Record of Public Comments Concerning FAA Policy Clarifications on Amateur-Built Aircraft Under 14 CFR Part 21.191 (g) November 1 December 15, 2008

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Airworthiness Certification Branch, AIR-230
Aircraft Certification Service
Federal Aviation Administration
Washington, DC
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the industry out of that recession then and will help again, today. Items such as composite material construction, glass-cockpits instrumentation, winglets, ballistic recovery systems, epoxy adhesives in wood construction, light weight engines with high power to weight ratios, electronic ignition systems, spring steel landing gears, and personal space vehicles. All of which have created jobs, and stimulated growth in the aviation field, and other areas I have not mentioned. I have been flying for 22 years now and prefer the economy and simplicity that the home built industry has given me. I again ask that you DO NOT change the current ruling, but simply enforce the current ruling we have. Please DO NOT complicate something that has already proven to us that it works. The economy doesn't need any more uncertainty, and neither do we. Sincerely yours, Edgar Conrad

Comments received from Bryan Taylor
bryan@brazosbraces.com, 12/12/2008 12:41 PM

I appreciate that you are in a tough position and I am sure getting a ton of correspondence. I am in favor of keeping the 51% rule as is. I am not a homebuilder but I own 2 homebuilt experimental aircraft that were constructed by individuals with no outside (commercial) assistance. It is a dream of mine to build my own aircraft, perhaps after retirement, when I have enough time. I am not a particularly skilled mechanical person so I would fully expect to require some training and/or assistance in the process. I sincerely believe that I would then be a safer pilot because of the extensive hands on experience with building the different parts of the aircraft. The prefabrication of some of the subassemblies is of great help and provides a sense of comfort in undertaking the process because some of the essential construction has been done by someone/something that can guarantee, at least to a degree, that it was done correctly. I would still like the ability to modify some of the less important aspects and to “innovate” things. As you well know, this is a difficult if not impossible task on certified aircraft. I believe the rule’s intent is correct and that perhaps enforcement of the existing rule might be the best answer. I don’t believe the intent of most people is to circumvent the certification process and that the people who choose to fly experimental do understand that the aircraft does not have the same level safety as certified but are willing to accept that for the increased performance and/or ability to customize. Thank you for the opportunity to express my opinions to you. Sincerely, Bryan Taylor

Comments recived from Louis Ehlers
ehlers@pixius.net, 12/12/2008 08:59 AM

I enjoy flying for fun, watching the sunsets of Kansas. I also will be building my first airplane next year. I’m not going to be in a rush, I want to enjoy learning the skills it requires. I’m meeting new people that have built the same airplane as I will and enjoy learning from them as well. I like working by myself with out anyone looking over my shoulder, so I’m not interested in hiring any help with this airplane. Yes my wife will help when I need an extra hand or just when she wants to help on her own free will. I hope she finds it enjoying to help with the building of the aircraft, as of now she is looking forward to it. So many things in life are getting to be difficult because we have to keep records of every move we make. Our country as we knew it before 9-11, isn’t being taken away from us by outsiders, it’s us that are taking away each other’s freedoms. **Please keep the 51% rule as it is today.** There will always be some people that want to cross the line, but please don’t make the 99% of us pay for their crimes. Louis Ehlers

Comments received from Robert Hensley
rahensley@gmail.com, 12/12/2008 10:27 AM

I would like to share with you my perspective on EAA's current 51% rule and would like to urge you to and the rest of the FAA to leave it as it stands. I am a 757 Captain for Northwest Airlines. I am also an A&P mechanic and have built my own kitplane; a Lancair 320. However, most importantly is the fact that I am the founder of

Hensley Aircraft and it is our goal to enter the kitplane market not only for the domestic market but the international market as well. Once we've established a going concern we have several aircraft on the drawing board which we'd like to run through full FAA Certification to be sold globally as well. I would like to point out to you the current financial crisis that exists in the United States. Daily displays of automotive woes serve to illustrate this point. While one could argue indefinitely over the causes, one thing is for certain this country suffers from a serious shortage of scientists, mathematicians and PhD's and we're critically short of manufacturing capabilities and resultant exports. In light of the horrendous job market numbers wouldn't it be wonderful if we had an unencumbered organization that fostered ingenuity, innovation, education in the sciences, advanced math, manufacturing processes all while stimulating not only the domestic market but providing healthy export trade surpluses as well? If we had such a vehicle I would think the elected officials would strive to emulate this organization, not restrict it. As someone with over 30 years and 25,000 hours of aircraft experience, may I respectfully point out that that is exactly what this country has been blessed with, and it is called the EAA. For over 50 years it has unleashed what is possible to those who aren't unduly shackled by excessive regulation. I've never met an EAA member that is opposed to common sense and necessary rules and laws, but I find what the FAA is proposing to be excessive and worse, confusing. One only has to note what continually, game changing products have been created by EAA members to realize its economic potential, the best example of late would be Burt Rutan's Space Ship One, a vehicle whose roots are firmly planted in the EAA. Thank you for your consideration in this matter, Captain Robert Hensley

Comments received from Tim Hoversten
thoversten@eaa.org, 12/12/2008 09:44 AM

I completed my first homebuilt aircraft in 2001, and am currently building another. The enjoyment and education I continue to receive from building and flying my own creations cannot be easily shared, one has to do it for themselves to truly understand. The current 51% rule has promoted true experimentation, innovation, and freedom of flight, that could not be achieved any other way, and in fact, I believe that the homebuilt movement, supported by EAA, with the current 51% rule, has been the driving force in the advancement of aviation for the last 50+ years! I fervently support the 51% rule as currently written, and I believe the attempt to stop commercial builder assistance by changing that rule is misguided, and will only serve to hurt and hinder the true homebuilder's efforts, as well as perhaps have a negative impact on safety. Trying to determine what is, or needs to be fabricated by the builder in particular concerns me as to being wildly open to differences of interpretation between the builder and inspector, and only adds extra layers of complexity as far as record-keeping and certification goes. I am personally outraged at the seemingly never-ending attempts by others, whether government bodies or individuals, to curtail my hard-won freedoms, whether it be speech, religion, or any area of flight or expression, and I see the attempt to change this rule as a direct attack on a freedom I hold dear! The answer: ENFORCE THE CURRENT 51% RULE AS IT NOW STANDS! Tim Hoversten, EAA #0598743

Comments received from Orlo Ellison
orloellison@gmail.com, 12/12/2008 10:45 AM

I am an EAA member and active general aviation pilot. I own and operate 2 Standard certification and 1 Light Sport aircraft for business and pleasure. All three of these aircraft contain components and improvements that are the direct result of the Amateur built aircraft rules. I see the kit built movement as a necessary bridge between pure amateur-design and construction and the final certification of ideas for commercial manufacturer. The technologies cross this bridge by gaining wider experience, developing a better base set of data, and operating in real world environments. This simple combination of free minds working within a free markets is precisely why the United States is now, and always will be the leader in aviation. Changing the current interpretations of the of the 51% rule would do nothing to improve aviation, or aviation safety. Any change which further restricts development of amateur built aircraft, or which has the end effect of reducing the

number of aircraft built and flow is not in the nations best interest. This is not the right time in history to be restricting any economically desireable activity. We need every possible encouragement to innovation in all fields. Orlo Ellison

Comments received from Ben Brown
bbrown@automatedbusinessconcepts.com, 12/12/2008 09:40 AM

I want to add my comments to the 51% rule and what appears to be a lot of confusion out there. I am working on a plane that comes from a kit that I bought back in 2006. The airframe was welded when I purchased the kit. I am not a welder nor will I ever become one. I depend on the experts at the company that built the fuselage to weld everything exactly the way they have welded hundreds of other airframes. This assures me that my airframe will be safely constructed. Other then that, I have spent almost 500 hundred hours in covering, painting, electrical, engines and avionics installation. I still have a few more months before a finish can be declared. I have had many, many visitors over these past few years, each with their own opinion about my aircraft, what looks great, what does not and so on. Unfortunately, the biggest comments in the past year is " Does your kit and your build qualify as an amateur built plane"? I always assumed it did as there are several hundred other aircraft out there exactly like my kit.

Although I have done no welding I have done metal work, fabricated many different components and spent countless hours making sure that this kit plane s indeed built correctly. I read that the EAA group recently awarded some one the 30,000 home built award to celebrate years of home building. I know it must have been quite simple, back in the early part of the last 5 decades, to get a set of planes, order some parts and build your own aircraft. I would hope any new rules in this 51% program would be kept simple. I am in hopes that no one expects to turn any amateur builder into a welder. I appreciate this opportunity to express my thoughts and would hope we can continue to finish my aircraft knowing I am complying with the original intent of the rules. Thanks! Ben Brown

Comments received from Steven P. Formhals
sf3543@att.com, 12/12/2008 12:13 PM

I have built two experimental planes and am in the process of doing it again, since it is literally so enjoyable, not to mention educational. This is exactly what was intended from the beginning and it works. I have seen builders of different skill levels building and getting help in various ways. For some builders to get help, either professional or amateur, is necessary to the safety of the project and for the education of the builder. As long as the builder is involved, I think assistance is a good thing. My belief is that the current 51% rules are adequate for the building of experimental aircraft and the enforcement of them just needs to happen. New rules will just add to the bureaucracy when they are not needed. More involvement, at the experimental level, is what is really needed from the FAA. Most FSDO's will not even talk to you about experimental aircraft or airworthiness inspections. In my opinion, I should not have to pay a DAR for an inspection when my tax dollars are funding FAA employees who should be doing that. In summary, I do not think the current 51% rules for amateur built aircraft should be changed. Thanks, *Steve Formhals*

Comments received from Patrick J. Costa
pcosta@VMIAA.org, 12/12/2008 09:31 AM

I am contemplating the building of an amateur built aircraft. I value the freedom afforded by the Experimental Amateur-Built rules — to dream up, design, build, and fly the aircraft of any airworthy design, without any limits on the complexity, power, size, or performance of the aircraft. I can see where the experience in building an aircraft … even a quick-build kit or with commercial builder assistance … can provided recreational and

educational benefits in keeping with the spirit and intent of the amateur-building rules; and how difficult, complicated, and impractical the process of designating every construction task as either fabrication or assembly would be. I encourage the FAA to preserve the amateur-built regulations and practices that have proven successful for more than 50 years, that have given a huge wealth of innovations and advancements to all of aviation, and that have fostered participation, learning, and enjoyment of personal aviation. Thank you for your time in reading this email. Patrick J. Costa

Comments received from Jim Kidd
jkidd@geotacticalsolutions.com, 12/12/2008 09:36 AM

I am currently building an airplane from a set of plans. I have bought raw material like wood and metal and constructed 100% of the airplane, as in EVERY PART. So the proposed rule changes will not affect me. However, please do not add complication to the rule by adding additional requirements like 20-20-10. The current rule has served us all well for years and will adequately address “pro built” and other issues if it is enforced. We “True Builders” take pride in our accomplishments and do not like situations where one can take advantage of the 51% rule and not deserve to be called a “Builder”. Sincerely, James C. Kidd

Comments received from Rex Puckett
puck296@bellsouth.net, 12/12/2008 10:50 AM

Please do not over govern us! The 51% rule is a good rule that has been working for many years. The key is enforcement of the current rule, not more paperwork. Paper work has, can, and will continue to say what the person completing it wants it to say!!! Why put on more burdens for those, who will follow the rules; when you are just trying to stop the abuse of those, who chose not to follow the rules. They will not change on their own. Enforcement; not new burdensome rules is the answer. I have been flying since the USAF taught me back during my college days. I enjoyed the privilege of serving my country by doing it flying for the USAF. Flying became an essential part of my life. It is and has been my hobby since learning some 40 years ago. I became an active member of EAA through out local chapter EAA709 and have served in various capacities, which include past president and newly elected president for the coming year.

Being involved with flying and EAA led to my building an aircraft as a retirement project. I spent 3 ½ years building my project, which was enjoyable and very educational. I continue to grow educationally and receive personal enjoyment and gratification as I care for and fly my project. As a retired educator I believe we need to challenge our society, not stifle it. Let us grow in innovation. Just look at was has been accomplished in the changes in general aviation, since I have been involved in the last 30 to 40 years. Don’t stifle us with more regulation and paperwork! Let us grow! Do not change the 51% rule. Thank you in advance for making a great decision and leaving our current rules in tact. Rex Puckett

Comments received from John Kreidel
jkreidel@msn.com, 12/12/2008 09:46 AM

My family has built two experimental aircraft. It has been a wonderful joy to bring me together with my Father and Brother as we have enjoyed flying the machines we created. The proposed rulemaking changing the requirements under the 51% rule will crush the dreams of future builders of experimental aircraft. We value the freedom afforded by the Experimental Amateur-Built rules and we have followed them. But for you to now require difficult, complicated, and impractical new processes and rules aiming to document the process of designating every construction task as either *fabrication* or *assembly* would be incredibly difficult and hamper the dreams of many future families who wish to build an aircraft.

I am considering a quick build kit as another project and I'm not sure what do do. Will it be a pig in a poke? My decision is stalled out and the complexity of the new rules will in fact deter me and many others who are capable of following the existing rules and building safe aircraft. I'm asking that you to preserve the amateur-built regulations and practices that have proven successful for more than 50 years. Enforce those existing rules if need be, because there may in fact be some abuse of pro-build centers. However, the existing laws and regulations work. Please do not overcomplicate the rules and regulations that have given a huge wealth of innovations and advancements to all of aviation. Leave the existing rules alone and enforce them. Best, John Kreidel

Comments received from Ed Trudeau
ETRUDEAU@amfam.com, 12/12/2008 11:54 AM

Please do not complicate the 51% rule. I am currently building a kit plane. I will most certainly be doing more than 51% of the work. Probably more like 91%. However, having to go back and calculate exactly which percentage I "fabricated" would be very cumbersome. What exactly is fabrication? Does each fabricated part need to start from a raw block of wood or aluminum? If I expand predrilled pilot holes is that part now considered builder fabricated? If I trim a rough cut peice to fit, is it now fabricated? Is it 20% of the individual parts on the plane... count up every rib, angle, skin, bolt, rivet, wire... and I must make 20% of those from scratch?

Or do I need to fabricate 20% of each type of part... ie: hand make 20% of the wing ribs, 20% of the skins, 20% of the engine parts, 20% of the landing gear parts, 20% of the instruments, 20% of the rivets, etc?
Is it 20% of the number of total parts, 20% of the weight of the plane, 20% of the time spent making the plane, or 20% of the cost of the plane needs to be parts fabricated by me? And assuming that you folks can define and calculate the 20% fabrication rule... how will that answer the original issue of commercial assistance centers building planes for clients? If the mfgr's kit requires 25% fabrication... how will you know that the builder actually did the work himself, and did not pay someone to build it for him? You could assign a DAR to camp out at my house and physically watch every hour that I work on my plane, and record all tasks that I complete. That would work, but be a little costly. No.

All you need to do is enforce the rules that we currently have. Maybe you could make the commercial building centers document each hour and task performed by the registered buider... and each hour and task performed by their staff, and thus put an end to the "psuedo factory build' planes being registered as homebuilt. But do not burden the rest of us with unclear, unenforceable, subjective, additional regulations that won't solve your original problem. Thanks, and happy holidays! Ed Trudeau

Comments received from Jeffery Cissell
jcissell@investigativeengineering.com, 12/12/2008 10:14 AM

As a former government regulator I can assure you that interpretation of rules will give you much grief. The primary concern that I have is that I'm building an RV-7, the slow build, two years and I'm finally finishing the wings. My greatest concern is the 20-20-11 rule. OMG, it takes years to build these things and what is the difference between "fabrication" and "assembly" ?

I can see that adding a whole truckload of Rolaids to the process! Clearly, kits that have the advantage of CNC machining provide a much greater degree of accuracy and reliability that hand fabricating, it's not like these things just snap together.

I'll have over 2000 hours of effort in my project when I'm complete and there are literally hundreds of decisions to make as I build. Even if I decide to obtain a quick-build fuselage, I won't save more than 400 hours in my quest and most of the effort will be redundant from what I've learned in building the tail and wings from slow-build. If the goal is to keep these amateur built planes out of the air, then I think the regulation helps to serve that purpose. If the goal is to prevent "manufactured" "home-built" planes where you show up at a factory and you partake in some assembly over a couple of weeks and end up with an airplane, then address that issue succinctly.

What I've learned so far is amazing, and I'm an engineer with a really rounded experience level over 30 years. As far as quality assurance goes, I'd prefer to have the parts cut to size with pilot holes to eliminate many of the errors that can occur. Most amateurs will not have access to a CNC and what would be the point if we did to run one to ten copies of a part. There is still a lot of preparation in building the airframe, drilling, deburring, corrosion protection, sealing, some cutting to fit etc.

The power plant and avionics are a whole other issue. A lot of work is done deciding and fitting the components to the airframe, not to mention ensuring the compatibility, fitting etc. Is putting a piece of avionics into the panel "assembly", is running the wires "fabrication", is designing the layout "other".

I have about 500 hours into the building of the plane and going back and breaking each task into "assembly" and "fabrication" will not only give the builder grief, but it won't be much fun for the inspectors to certify and spend the time. It would be much more efficient to certify kits as compliant and documenting the location and persons performing the tasks through the building process than to rivet by rivet break the task down. In summary, I don't know what you intend to accomplish with these regulations.

I am alarmed that a person can pay his/her money and walk into a fabrication shop and two weeks later fly away with a home-built. I would think these types of plants fall into a different category than "homebuilt". Maybe the FAA should consider an in-between category for these craft. Part of the allure of a home-built is the ability to customize the avionics packages and performance that isn't practical in a "certified" aircraft. I recall wanting to update some engine instrumentation for a certified aircraft and was told that you can't use an engine analyzer, unless you spend megabucks for a "certified" brand.

So I ended up replacing the bad oil pressure indicator with 1960's technology to stay "certified". There have been huge advancements to aviation borne out of the experimental builder market. Don't force us back to dated technology by making the homebuilding process so onerous that it's difficult to comply and leave us all wondering if we have to start over or quit! Also, please note that the home-built market pretty much uses the local markets for our supplies, don't kill this cottage industry. Sincerely, Jeffery A. Cissell P.E.

Comments received from Brian S. Douglas
brian-douglas@uiowa.edu, 12/12/2008 11:55 AM

I would like to voice my concern regarding the proposed policy changes to experimental aircraft certification. I am a 500 hour private pilot who owns a C-172 and happens to be building an RV-10. It's my understanding that under the new rules a builder would be required to fabricate at least 20% of the parts in the kit. I'm not sure how that helps the problem of commercial building assistance and in fact I wouldn't be surprised if that didn't help to contribute to an increase in 3rd party help for the normal builder like myself. I can't speak about other kits, but the Vans RV-10 kit requires very little fabrication of final parts from stock and when the plans do call for you to make a piece it's often an oddly shaped piece with very precise measurements (ie – drill holes 7/32nds and 19/32nds from edge).

Most builders I talk with don't like doing this kind of thing and I don't know anyone that is good enough with their drill press to get that exactly right. So a cottage industry has sprung up to supply these pieces to RV-10 builders (and other RV builders as well). Just take a look at websites like rivetheadareo.com and I think you'll see what I mean. I believe that if the FAA goes through with the 20% fabricate rule you're just going to see an increase in the machine shop suppliers of the parts the builder is supposed to fabricate. All of that said, I'm not sure I have any brilliant ideas for how to combat the commercial builders, particularly the rouge ones. Basically you've got people who want the benefits of an experimental airplane without any sacrifice on their part (other than money) and people who are happy to satisfy that demand. So it seems like the rules need to negatively incent those people. Some thoughts you've probably already heard but just in case:

- Clearly the person who pays a commercial builder cannot be given the mechanics certificate to his/her plane.
- Perhaps the commercial builder should be forced to build per plans with no deviations.
- Perhaps the commercial builder should be held to the same liability as factory built airplanes (18 years of product liability).

How about mandatory inspections that roughly correspond to the Vans subkits? Or at least one other inspection prior to final assembly. Most of the rouge commercial assist guys have their own shop where they build your plane.

It seems like it'd be very inconvenient for them to haul the partially built subkits from their shop to your garage and then back for inspection(s). Perhaps a builder should be limited to how many times he/she can sell a plane that they built over a given time period. (Every year I see the same father/son team who have built an RV and have flown it to OSH to sell).

If you could only sell a plane that you built once every 3 years (or whatever) that might negatively incent those types of individuals. Anyway, those are just a few ideas and you've probably already considered all of them. I realize the difficulty and complexity of your situation and wish you luck with the new rules. Brian Douglas

Comments received from T.G. Logan
guyverIV@comcast.net, 12/11/2008 08:13 PM

I am an amateur builder, a registered professional engineer, have a Master's Degree in Physics, build Naval Reactors for a living, and fly airplanes for fun. I support and observe the current 51 percent rule.
All the FAA needs to do is enforce the current rule.

Comments received from Ron Fischer
Ron@FlyingFischer.com, 12/12/2008 06:48 PM

Please keep the 51 Percent rule, the way it is! Crack down on professional builders instead. I am an A&P and building a RV-7 for personal flying. I think the rules as they are now are very good. Enforcing the existing rules is a better way to continue the great work done
by may home builders. Sincerely, Ron Fischer

Comments received from BJ Moore
BJ.Moore@lurgi.com, 12/12/2008 12:56 PM

December 12, 2008

Miguel L. Vasconcelos
Production and Airworthiness Division
AIR-200, Room 815
800 Independence Ave., SW
Washington, D.C. 20591

FAX: fax: 202-267-8850
Email:miguel.vasconcelos@faa.gov

RE: New Requirements on 51% Rule for Amateur Built Aircraft.

Dear Mr. Vasconcelos and to whom it may concern at the FAA:

My name is Byron Moore. I have constructed and certificated three amateur built aircraft since 2001. These include, N615UT, N61ZT, and N9FY. I have enjoyed the learning, building, and flying experience that this hobby has afforded since I first became interested in flying ultralights in the 1990s.

Each aircraft I have constructed has been at increased levels of complexity; starting with a tube and rag design, weld and skin rivet design, and finally a composite fiberglass lay-up design.

In the building of each of these kit aircraft, my build times were at least twice that of the published kit manufacturer's estimated time. I bring this up not because I am resentful of that fact. The overages in build time were due to a steep learning curve, adding changes, attentiveness to detail, and performing customized safety and design improvements of my own into the aircraft. I am guilty of being a professional engineer and have a hard time leaving well enough alone.

In building aircraft, the education and experience I have gained have made me a more knowledgeable pilot and handcrafter. I have learned new skills including welding, covering aircraft, and fiberglass lay-up procedures. It has been difficult and rewarding at the same time, but most of all enjoyable and satisfying.

In reviewing the new 20/20/11 requirement that the FAA is proposing and the documentation required to prove such, I must say that the proposed changes are both confusing and disagreeable to me. If it is the goal of the FAA to hinder participation in this activity, and to negate the many positive results that come from it, implementation of these proposed requirements will surely foster this goal.

I am presently considering construction of another aircraft, one that is not on the 51% approved kit list. Therefore, documentation of fabrication and

assembly would be required throughout. In my opinion this will fully take most of the enjoyment out of the process. It is enjoyable to build, take snapshots, and to log improvements versus having to make the determination of the fabrication, assembly, and to worry about and weigh the hours as I progress to assure I am compliant. With this change to the 51% rule looming, I am holding off on my decision to go forward until this change is either confirmed or rescinded. I will likely stop building aircraft if adopted.

I value the Experimental Amateur-Built rules as they are. I view any non-compliance as an existing problem by not having more kits approved as 51% compliant, and in enforcement of the existing rules by reinforcing the 51% requirement at the DAR level. I enjoy the freedom of being able to design, build, and fly an aircraft as I feel it should be constructed, and do not welcome further limits, and regulatory complexity. I do not welcome, nor will I be willing to participate in a more difficult, impractical, and complicated regulatory process in the building of an airplane such as the proposed change would require.

This appears to be the classical fixing of something that isn't broken. Please enforce the rules we have. As it is, the 51% rule and amateur aircraft building and certification has worked for a long time. Why add more rules and complexity that will make enforcement an even more difficult task?

Thank you for your consideration of my comments and concerns.

Sincerely,

Byron Moore, PE

Byron Moore, PE

Flight Instructor 3116018CFI

Amateur Homebuilt Aircraft Builder

Comments received from Jimmy Young
jdy100@comcast.net, 12/12/2008 05:34 AM

I am an aircraft owner, Experimental category, amateur built, and member of EAA Chapter 347 in Angelton TX. I am writing to ask you to please simply enforce the existing rules regarding the 51% rule, and not create a new set of rules to add to an already tough enough task for us aviators. Things are tough enough as they are, and I'm afraid the new proposals as presented will do nothing but drive more innovative people away from this industry, which is struggling at present. The last thing we need is more regulation and rules to follow, there are plenty in place now. Thank you for your consideration of my thoughts. Regards, Jimmy Young

Comments received from Matt Thorsen
mthor4000@wi.rr.com, 12/12/2008 05:02 PM

Please don't change 51% rule! thanks, builder Matt!

Comments received from Richard Ham
rhamco@mac.com, 12/12/2008 01:53 PM

My name is Richard Ham from St. Petersburg FL. I learned to fly about 1-1/2 years ago in Sebring FL. Flying has become one of my great passions. The major impediment to the sport is it's high cost. Certified airplanes are out of reach to the normal person. When you combine the cost of the plane, insurance, gas and hanger rental the sport becomes completely unaffordable. The only way that the average person can hope to engage in the sport is by building his own airplane. That is precisely what I intend to do. My concern is that the proposed rule changes, particularly the 20% fabrication rule, will make the task too difficult for the average person to comply with. Remember that most builders are not machinists or professional mechanics. We are just ordinary people. We do not have full machine shops at our disposal. The average kit takes many hundreds of hours to complete as is which can often take years of weekends and evenings. Please do not make the task more difficult then it already is. Keep the rule as it is. Sincerely, Richard Ham

Comments received from Mitch Williams
n1345p@suddenlink.net, 12/12/2008 04:07 PM

As I understand the issue, some aircraft builders are violating the regulations by commercial construction of aircraft. The intent of the amateur-homebuilt rules are for education and entertainment. The over-regulation and expensive paperwork associated with part 23 aircraft has stalemated development of certificated aircraft and many pilots see economic value of the homebuilt aircraft beyond education and entertainment. Instead of writing additional rules in AC 20-27 that are not support by regulation, We think FAA should:

1. Enforce the rules we have. If someone is manufacturing aircraft without proper approval, enforce the regulation to stop it.
2. Streamline the part 23 process so more new entrants can enter the market.
3. Redevelop the "Primary Category" to allow 4 seat aircraft to comply with more streamlined, less rigorous version of part 23. This would be a good location for someone to manufacture kit planes and certify them to this new primary category.

Again, I think the proposed AC-20-27 over-reaches the language and intent of the amateur building regulations. Thanks, Mitch Williams

Comments received from Patrick Flynn
pdflynn4@msn.com, 12/12/2008 10:39 PM

I support the EAA's position on amateur-built certification. Keep it simple! Distinguishing between assembly and fabrication is too much complexity. Regards, Patrick Flynn

Comments received from Peter Havriluk
phavriluk@cox.net, 12/12/2008 07:20 PM

I am commenting on the proposed changes to rules governing amateur-built aircraft. I am currently scratchbuilding an airplane from plans, and such a project will not be affected by the proposed rule changes. But I believe future kit-builders will be addressing an elaborate an unproductive set of rules. I was present at both builders' forums at this year's EAA convention where the proposed rule changes were discussed by FAA executives and EAA membership. I certainly agree with the FAA position that excessive commercial assistance runs counter to the intent of existing rules. I think enforcement of the current rules will resolve the FAA's need to execute its responsibilities. If builders abuse the rules by hiring completion centers and thereby do not in fact construct the major portion of their airplane themselves, that is the problem that should be addressed. Thank you very much. Peter Havriluk

Comments received from Steve Bradshaw
shooter1@centurytel.net, 12/12/2008 02:37 PM

I am a participant in amateur-built activities, and I am writing to relate my experience. I value the freedom afforded by the Experimental Amateur-Built rules — to dream up, design, build, and fly the aircraft of my vision, without any limits on the complexity, power, size, or performance of the aircraft. My experiences in building an aircraft, even a quick-build kit (currently a Rans S6S) have provided recreational and educational benefits in keeping with the spirit and intent of the amateur-building rules as they are currently written. I am opposed to the 20-20-11 style changes because of how unnecessarily difficult, complicated, and impractical the process of designating every construction task as either fabrication or assembly would be. I encourage the FAA to preserve the amateur-built regulations and practices that have proven successful for more than 50 years, that have given a huge wealth of innovations and advancements to all of aviation, and that have fostered participation, learning, and enjoyment of personal aviation. Respectfully, Steve Bradshaw

Comments received from Jay Welch
jay@pacrimav.com, 12/12/2008 01:32 PM

Please allow me to urge you, in the strongest terms possible, to leave the Experimental Amateur-Built Rules as they have been for the greater part of a century. They are adequate as they are. They have been working, are working and they do give the FAA the needed clout to crack down on the current abuse of the intent of these rules. The original goal was to allow the American Public to design, develop and construct aircraft without limits. This concept has allowed tremendous accomplishments in individual educational and recreational endeavors. The success of this movement UNDER THE EXISTING RULES is well known and staggering. The rules work as they are. Please do not unnecessarily complicate things in an attempt to address the few abuses that do exist. Those of us who have enjoyed participating under the original intent of the rules by designing and, or building our own planes are not in favor of the abuse of the rules that the FAA would like to address. Again the rules as they are now are more than adequate for the FAA to eliminate the "commercial completion" abuse that does exist to some extent. It is the responsibility of the FAA to eliminate these abuses and it has the tools needed now to get the job done. The efforts of the FAA must be enforcement not "rule making". Thank You. Sincerely, I. Jay Welch

Comments received from Henry Kappes
hkappes@hotmail.com, 12/12/2008 02:03 PM

I do not support changes to the amateur-built regulations.Please preserve the amateur-built regulations and practices that have proven successful for more than 50 years, that have given a huge wealth of innovations and advancements to all of aviation, and that have fostered participation, learning, and enjoyment of personal aviation. Thank you for your consideration, Henry Kappes

Comments received from Bob Boswell
bob@sea-plane.com, 12/12/2008 02:53 PM

I continue to be opposed to the changes that are being proposed for amateur builders of experimental aircraft. The proposed changes would over complicate the design and building process, would lead to unnecessary record keeping and more emphasis on documentation than freedom of design, ability to change and improve. The process of accounting for every construction task in a matrix of needless detail is counter to the spirit and intent of an amateur built project that is undertaken for education and recreation. Each project is different in scope and complexity. Forcing another bureaucratic formula for a "one rule fits all" will open the process to "Inspector" interpretation as to compliance and will lead to builder frustration and possible project failure; all due to unneeded micro management. The process has worked well for over 50 years. Lets keep it simple. Support the current amateur built program, don't kill the grass roots aviation enthusiasm. Bob Boswell

Comments received from Paul Dornon
cirruslake@yahoo.com, 12/12/2008 02:40 PM

I am concerned that the proposed 20%/20%/11% rules regarding amatuer built aircraft will be extremely difficult for the builder for the builder to comply with. The issue of "fabrication" versus "assembly" can become subjective, rather than objective, and thus difficult for both the builder and the FAA to determine. The distinction does not seem to critical with regard to the 51% regulation which has served the public, including the builders of amateur built aircraft well. This artificial distinction also does not seem to address the FAA's concern with commercial involvement in contruction of amateur built aircraft. Regardless of how the work is classified, the amateur builder must supply the majority, 51%, of it. Allow the home builder the freedom to decide what sorts of work he is capable of doing on the aircraft. We do not all have the machine tools or skills necessary to machine many of the parts of an aircraft. In summary, I object to the 20/20/11 propoed rule and ask that the current 51% regulation provides adequate protections without stifling the innovation and creativity of the amateur aircraft builder. Sincerely, Paul J. Dornon

Comments received from Brian Charlton
flyinbrian@cinci.rr.com, 12/12/2008 09:24 PM

Please leave the rule alone. It has been working well for many years. I am in the process of building a "light sport aircraft" from a kit. This will take years and when it is done I will know every rivet, bolt, screw, and pin, and it will be as well built as possible. I think the proposed change will do more harm than good and is typical of government meddling that will leave more questions than answers. Brian Charlton

Comments received from Luc Martini
martinil@comcast.net, 12/12/2008 12:58 PM

The existing 51% Rule has served GA well. I although technology and inovative individuals have added a few twists and turns to expand the rule, they can be managed and GA best served by leaving the 51% Rule AS IS, and

having the regulators argue intent and inclusion or exclusion of specifics under the Rule in the Courts. Luc Martini

Comments received from William Taylor
taylorrv6@sbcglobal.net, 12/12/2008 10:51 PM

Please keep the amateur built regulations as they are and enforce the rules that you already have. I am building a Van's kit and have done all the work myself and plan to continue this way until I finish it. If the existing rules are enforced I don't see any need to change the regulation. Bill Taylor

Comments received from Emmett A. Starks
emmett152@verizon.net, 12/12/2008 05:40 PM

The newly proposed construction tasks categories overcomplicate compliance requirements. Please consider staying with the present 51% rules. Emmett A. Starks

Comments received from Jon Milsap
Rossi404@aol.com, 12/12/2008 11:46 PM

As a avid EAA member I am requesting the FAA make no changes to the 51% rule of home build aircraft. If any thing I believe the current rules are more than adequate for safety and need only be enforced not changed. With the aviation industry suffering a slow death, those proposed changes will cause the death of a vital part of our aviation economy, loss of aviation innovations, advancements, learning, affordability and enjoyment of aviation for large segment of our population. Thank you, Jon Milsap

Comments received form Clifford D. Belleau
aksam@gci.net, 12/12/2008 10:49 PM

Please accept my comments regarding the proposed changes to the "51%" rule regarding experimental amateur built aircraft. My father and I built a Starduster Too (N629MB) aircraft together from plans and some pre-fabricated components. Other than standard components (wheels, tires, engine, propeller, hardware, etc.) we purchased only the wing ribs, fuel tanks, and fiberglass fairings. This aircraft was built over the course of many thousands of hours and many years. Both my father and I were aircraft mechanics and dad possessed a level of craftsmanship that was amazing. I enjoyed the process and his company immensely. The current 51% rule was adequate to allow that process. Many homebuilders today do not possess the skills to fabricate an entire aircraft. They would be wise to purchase the welded components, assembled wing spars, etc. The major portion of the aircraft is constructed by the homebuilder.

I understand the FAA's concern regarding those that do not follow the 51% rule and are using it to bypass the certification and production requirements of standard manufactured aircraft. I think enforcement of the current regulations is the answer to those concerns. My experience with the FAA in the past has been that there is a tendency to make new rules rather than enforce the current rules. I believe that those who would violate the current regulations will violate the proposed ones.

Those of us that adhere the current regulations will adhere the new ones as well. I am currently building a replica aircraft from plans. I do not expect t be able to purchase any components other than standard ones mentioned before. While I believe this project would have a level of fabrication that would more than meet the proposed rules, I still oppose them. The current regulations have proven adequate for a long time. I believe

enforcement of the current regulations will prove them adequate in the future. Thank you for your time, Sincerely, Clifford D. Belleau

Comments received from Larry Gilman
legup@sbcglobal.net, 12/13/2008 01:41 AM

I am writing you to encourage you to preserve the regulations that we currently enjoy and follow for designing and constructing an experimental airplane. Those regulations under which we currently function are working. Because of them I have enjoyed the education provided and the satisfaction encountered in the construction of my own airplane. Although it is not yet finished the experience gained has been priceless and cherished. Thank you for your time and attention. Sincerely, Larry E. Gilman

Comments received from David Runyan
drun801@gmail.com, 12/12/2008 04:06 PM

Thank you for your time. I have built an experimental aircraft and would like to see the current rules stay in place. My experience of building was a rich one and there was no doubt that I accomplished over 51% of the work. The proposed "20-20-11" rule would be too cumbersome in my view and would not contribute to safety in any way. I know my airplane inside and out and I learned many new skills as a result of building it. Because of this knowledge, I am a safer and wiser pilot. Please understand that I had over 1800 hours of flying, most of them in police helicopters, before I built my plane; yet, I feel much safer and more knowledgeable as a result of following the existing rules. Please enforce existing rules governing experimental aircraft building. These rules have served the aviation community well for over 50 years. Sincerely, David Runyan

Comments received from Alan Folsom
vze3d9td@verizon.net, 12/12/2008 07:50 AM

I urge the FAA to avoid unnecessarily complicating the regulations impacting the fabrication of amateur built aircraft. I feel that sufficient rules exist which, if applied, can preserve the legitimate essence of amateur building. The 20-20-11% requirements will unnecessarily increase the record keeping responsibilities of the builder and many tasks will be difficult to categorize. In this age of ever increasing technological competition from around the world we should avoid any regulatory activities that negatively impact our innovative abilities. Sincerely, Alan L. Folsom

Comments received from Curtis Harris
cnharris@usouthal.edu, 12/12/2008 05:13 PM

I have not built an airplane but I , as a pilot who might like to and one who enjoys the innovations that have resulted from such building request that the government not place onerus and unnecessary ruling to inhibit such an activity. Sincerely , C. Harris

Comments received from Donald R Fairchild
drfair@aol.com, 12/12/2008 05:48 PM

I am an experimental aircraft builder, pilot, owner. Please Enforce the current 51% rule with monetary fines and commercial builders will disappear. The 20-20-10 rule will be distorted by a few that are distorting the 51% rule. Don't create new confusing regulations that cheaters will bend, while slowing the involvement of the honest ones. Donald R Fairchild

Comments received form Jerry Cochran
Jerry2DT@aol.com, 12/12/2008 02:33 PM

Over the course of 6 years I built my Van's RV-6a, which is now flying having been approved by the FAA. During the course of this project for instance, I fabbed AND assembled many pieces so I'm not sure how one would distinguish between them. Maybe one could assign % to each. Sounds very clunky of course, not to mention how one documents same. Here's an example. The top aft fuselage skin. First I had to rough cut the shape of same, approx 4x4 sheet of .032 aluminum. Thence to FABRICATE had to measure, trim, mark, drill, dimple, and with my helper, rivet in place. thereby ASSEMBLING same. This was just one of hundreds of pieces requiring fabrication and assembly. Please leave the 51% rules as they now stand and have for years. What to do about the commercial builders? Enforce existing law, period. Thanks for listening, Jerry Cochran

Comments received from Pelham F. Moss
pfmoss@aol.com, 12/12/2008 01:28 PM

The proposed changes to the amateur built aircraft regulations will not be as effective as enforcing the current regulations. Often primary learning goals can be obscured by peripheral tasks. Time has proven that the current rules allow for a progressive regiment of tasks and learning the is most beneficial to the builder and safety of our skys. We have a good system that works. Let's keep it. Thank You, Pelham F. Moss

Comments received from Don Charniak
dcharniak@new.rr.com, 12/12/2008 08:12 PM

Miguel, As a EAA enthusiast I would like to comment on the 51% rule I like to keep things simple!!!!! I like the idea that the manufacturers should not build most of the structure, the builder can most definitely do the majority of the work. In safety respect the most intricate components would be best built by the professionals. The small assemblies and detail work would be done by the builder. I do not want to build the rotor hub of a Rotor Way helicopter. But I will make the brackets for the strobes!! Please keep the rules as follows, and enforce the rules already in place, This will most likely get more builders In the air at a reasonable cost. Sincerely Don Charniak

Comments received from Raymond D Hatch
dan@rdan.com, 12/12/2008 05:03 PM

I am writing in response to the proposed to the amature built airplane rule of 51% to change to 20/20/10 . I am against this it seams as though it would make a lot more paper work and the confusion factor would over welm the reward. I value the freedom afforded by the Experimental Amateur-Built rules — to dream up, design, build, and fly the aircraft of your vision, without any limits on the complexity, power, size, or performance of the aircraft;

My experience in building my aircraft as a quick-build kit has provided recreational and educational benefits in keeping with the spirit and intent of the amateur-building rules; and it is difficult, complicated, and impractical the process of designating every construction task as either *fabrication* or *assembly*. I encourage the FAA to preserve the amateur-built regulations and practices that have proven successful for more than 50 years, that have given a huge wealth of innovations and advancements to all of aviation, and that have fostered participation, learning, and enjoyment of personal aviation. Reguards, Raymond D Hatch

Comments received from Edwin White
edww1@hotmail.com, 12/12/2008 01:48 PM

I started flying in 1959 and served our country for 24 years as a military pilot. In addition, I'm a Aeronautical Engineer that has lived aviation as a commercial pilot, a flight instructor, a bush pilot in Alaska, have helped rebuild certified aircraft and have been involved with several experimental aircraft kits. I'm currently building a RV-4 that will have a number of renovations to make it more efficient. It is obvious that I have worked with the FAA often since I started flying. Compliance with the FARs has always been in my mind. You would be amazed at how difficult it is to get a definitive answer from inspectors on your current rules. Inspectors need more support and training so that our compliance with the current rules is more straight forward. These new rules are too cumbersome and will destroy the enthusiasm behind the experimental aircraft efforts. The costs to be involved are difficult now and the time to perfect mods and comply with FARs can take years. Innovations like we have seen in the past decade will be stymied. We don't need new rules, we need enforcement of the current rules! Thank You, Edwin W White

Comments received from Ronald Lutz
XTAVIA@peoplepc.com, 12/12/2008 10:51 PM

I am writing to express my opposition to the proposed rule regarding the amatuer built "51%" rule. I have constructed an airplane from plans and did 100% of the work myself. I believe that the proposed rule is too complicated and unworkable and that the existing rules should be allowed to stand . If there is a problem with professionally built "amateur built" aircraft, the builders and purchasers should be fined. The existing system has worked for many years and can work for many more if they are enforced. The companies that are building experimental aircraft for other people should be easy to find since they advertise. Thank you. Ronald Lutz

Comments received from Eugene Salvatore
EScout171@aol.com, 12/12/2008 02:02 PM

Building my RANS S-7 Courier from a kit is one of the most rewarding things I have ever accomplished. I chose to build a kit because I lacked the experience needed to make high quality welds. Also I discovered home building at the age of 50, which I regret. I think reformulating how we qualify kits, and how we track building of a home built aircraft is a mistake. Current law is well spelled out and simple enough not to allow much wiggle room. Enforcement of the law as it's currently written is what's needed to stop abuse. Please keep an open mind and remember that Freedom is what makes our country great. Thank You, Eugene Salvatore

Commnets received from Budd Davisson
buddairbum@cox.net, 12/12/2008 04:12 PM

I'm speaking from the position of having been actively involved in the homebuilt aircraft movement for over 45 years. During those years, I've watched the FAA and the homebuilding community develop a working relationship that has enhanced the goals of both sides, namely education and safety. This new set of proposals undoes much of what has been accomplished. The past rules have been fairly easy to understand and interpretation by FAA personnel has been consistent and fair. This would definitely not be the case under the 20-20-11 concept. There are too many open-ended definitions (what is "fabrication?" How is the percentage determined, etc., etc.?) and compliance would be too onerous for the builder and too difficult to enforce by the FAA. The present rules, if applied and enforced across the board, will accomplish exactly what the FAA hopes to accomplish: bring homebuilding of aircraft back to the original goals of education and safety. If the new rules are implemented, exactly the opposite will happen. I'm hoping you continue your role in spreading aviation education by taking public opinion and information into account in your decisions. H. K. "Budd" Davisson

Comments received from Scott Thatcher
s_thatcher@bellsouth.net, 12/12/2008 03:31 PM

I would like to address the FAA's proposed 51% rule that would require builders like myself to document Fabrication, Assembly and Additional Tasks as unnecessarily burdonsome. I spent over 4 years building my Zenith 601XL from a kit, documenting just about every aspect with photos and text and just feel that the additional workload is not necessary for enforcement of the 51% rule. I will say however that my experience has been one of the most rewarding things I have ever done. I do feel that photos of the project should show the builder himself in various phases of actually building the aircraft but that is, of course, part of the existing rule. I know that there are individuals who skirt the law and hire out the building of their aircraft but hopefully more diligence on the part of DARs and/or FAA can prevent this from happening without burdoning the remainder of the homebuilding committee. I realize you are more knowledgeable than I regarding this new rule but I wanted to share with you my views. Thank you. Scott Thatcher

Comments received from W. Kevin Bishop
ellesay@aol.com, 12/12/2008 10:41 PM

I am writing to voice my objection to the newly proposed construction-task categories, and to express my belief that the FAA's newly proposed construction-task categories over complicate a builders compliance requirements. As participate in homebuilt airplane construction undertaken strictly for my own educational and recreational purposes, I want to express to you the importance of keeping the compliance process simple. Whether performing fabrication or assembly tasks — or the many tasks that are difficult to categorize — we are building our own airplanes.

And we are deriving educational and recreational benefits as the regulations intended! Designating every construction task as either fabrication or assembly would be difficult, complicated and impractical. I encourage the FAA to preserve the amateur-built regulations and practices that have proven successful for more than 50 years, have given a huge wealth of innovations and advancements to all of aviation, and that have fostered participation, learning, and enjoyment of personal aviation. Sincerely yours, W. Kevin Bishop

Comments received from Jerry Latimer
jlatimer1@cox.net, 12/12/2008 01:14 PM

I'm a homebuilder that has been working on Zenith CH601 HDS in my garage for 9 years. I'm actually getting close to finishing. I'm concerned the proposed changes to the 51% rule will impact my ability to license my aircraft. I have done 100% of the work myself. I believe that the rule the way it stands today is adequate and the real fix to the FAA's issue with commercial built homebuilts is enforce what we now have. The rule is sufficient as it is. By adding new hurdles for folks like me to jump doesn't make sense to me. The FAA will now have to enforce new criteria while it is not enforcing it's present criteria. Please put your efforts into enforcing the present rule instead of rewriting and adding more hurdles for folks like myself. Sincerely, Jerry Latimer

Comments received form A.D. Faison, Jr.
faisonco@gmail.com, 12/12/2008 03:39 PM

As a veloscity aircraft kit aircraft builder, i enjoy the freedom of the present 51% rule. With about 100,000 kit and plans built aircraft under the current rule, i would hate to see additional burdensome, in my openion, unnecessary, more governmental control, to an industry fighting for survival in these trying times. I do not see the necessity to change such a sucessfull regulation. Thanks for your consideration, A.D. Faison jr

Comments received from Jans Man
JansMan47@aol.com, 12/12/2008 03:27 PM

I am writing to express my adamant disapproval of the proposed changes to the 51% rule regarding amateur built planes. I have been working on experimental planes for 20 plus years now and am about to finish my first.This has been the MOST rewarding and fulfilling experience I have undertaken. This has expanded my building skills fantastically. I have learned so very much and exercised my mind to a wonderful degree in the process. I have been documenting my progress as has been expected in the past but with the possible advent of the new rules for documentation I see a severe burden about to be put into effect. Having to make determinations as to what percentage of construction a particular task involves would be beyond my desires to guess. This has already been done in the cases of the 51% certified kits. Having to do this so as to avoid these instances of commercial help and others who are NOT doing the work themselves enough to qualify their plane as 51% built by them is ridiculous.THE RULES ARE ALREADY IN PLACE. ENFORCE THEM AS THEY ARE!!!!!! If this is put in place I for one will look elsewhere for some project to work on such as a car. This will in turn deny some legitimate kit maker a sale and will be detrimental to them and homebuilding and the other industries that supply parts and needs for us legitimate builders. This is just too much burden to put up with just because the FAA will not crack down on the ones who are at the root of the proble. You know who they are or you wouldn't be going to this extreme. DO YOUR JOB--FAA !!!

Comments received from Jim Jelinski
lydiakj@yahoo.com, 12/12/2008 03:27 PM

My name is Jim Jelinski. I am a private pilot and 20+ year Cessna owner in south Mississippi. My C-172 and my C-150 were destroyed in hurricane Katrina. I am writing today regarding the proposed changes to the longstanding '51% rule' for building and licensing an experimental airplane. I ask that you Keep if Sweet & Simple! (KISS) Keep the original 51% rule. Please remind your fellow FAA'ers that the more complicated the rules, the more it discourages people from even trying to build an airplane. Also, the attention a builder pays to the rules is taken away from building the airplane. Less attention paid to building the airplane means less safety, as the builder gets more and more diverted to 'crossing the T's and dotting the I's of the rules, and so gets distracted from what is really important- things like deburring the rivet holes, removing the nicks that can be starting places for cracks in from metal parts, making electrical connections properly, routing the wires so that they don’t chafe or vibrate, driving the rivets properly and tightening the bolts to the correct torque! It's the Airplane that has to be built properly. It's the Airplane that does the flying, it's the Airplane that people depend on for their life. It's the Airplane that the builders needs to concentrate on.

The Rules are there to help make sure the Airplane is safe.
When the builder has to concentrate more on the Rules than the Airplane, when the Airplane becomes Secondary, that's when Safety suffers! Remember also the relationship between the Builder and the Flyer.
For myself, I will be working on an airplane that I will be building to carry my wife, and kids! I want to make darn sure that it is as safe as I can make it! By the way, I'm also a mechanical engineer working for the Feds, (yep, I'm a "GS'er") so I understand a bit about how the rulemaking process can proceed, with everyone putting in their 2-cents-worth, and how -with all good intentions- the process can go awry, and produce something that is not at all what is needed! Remember the old saying, a Camel is a Horse designed by a Committee! I can also understand how you may be concerned that the kit approval process can evolve, with the different combinations of 'builder assistance' programs and 'quick-build' kits, etc, so that the possibility exists that some builders may not be actually doing 51% of the work.

I ask that if this is the concern, then fix the problem, not with additional complicated rules for everyone to follow, but instead by looking at how the 'builder assist' and 'quick-build kits' can combine to affect how the

'51%' is determined. I have been to the EAA Oshkosh fly-in many times, beginning in 1972. The innovation I see in 'homebuilt' aircraft is so far ahead of what is available in a 'certified' aircraft, that there is no comparison. Over-regulating is the surest way to kill innovation. That's what has happened to commercial aircraft builders. Let's NOT let that happen to the homebuilders! I am planning on building my own airplane in a few years, and I want to concentrate on building the airplane -making it the best, and the safest that I can- rather than having to worry about following a complicated set of rules during the construction. Personally, I am probably going to build a 'plans-built' airplane, or maybe an all-riveted kit, where I do ALL the riveting! I'm DEFINETLY going to be putting together my own engine! I'd rather DO IT MYSELF than have it already done. All the Best, and Merry Christmas! Jim

Comments received from Tim Rittal
tim@timrittal.com, 12/12/2008 01:26 PM

I would like to comment on the new, proposed rule. It appears that the proposed rule leaves the door open to a lot of interpretation and confusion especially with regards to the 20/20/11 portion and the status of ongoing projects. I am fortunate enough to have a beautiful, completed and flying GlaStar. The project took me ten years of spare time work and over 2500 hours. I learned a great deal about construction, design, tools, materials and techniques especially since the GlaStar has a fiberglass fuselage and aluminum wings, tail and all control surfaces. Still, I did enlist the help of professionals from time to time to ensure critical items were done right and safe. For example, an A&P did most of the wiring and engine rigging. I was there and participated in most aspects of this "hired help" work. I learned a lot and I was involved. Nonetheless, a pro was used. How would this be interpreted in the new rule? What about the hundreds, perhaps thousands of builders like me who have been working for years on what was a previously approved kit if the new rule does not grandfather them? I cannot improve on the detailed comments which the national EAA organization sent to you on this matter. However, I would like you to know there are many of us who are concerned with the proposed rules. It seems like it would be best to simply enforce the rules already in place. Sincerely, Tim Rittal

Comments received from Paul Ryder
pmrpitts@yahoo.com, 12/12/2008 08:22 PM

I wish to comment on the proposed changes to the Amateur-Built Category and the 51% Rule. I have been a pilot for over 25 years and a member of EAA since 1983. I have been building my own Amateur-Built Category aircraft for the last 6 years. I feel the current rules and regulations are more than adequate to regulate the homebuilt industry. I will be the first to admit there are bad apples within the Amateur-Built Category who violate the rules and regulations. However, I do not feel that changing the regulations is the proper cure to fixing the problem. Better enforcement of the current rules would weed out these bad apples and allow the thousands of others to continue to enjoy the recreational and educational benefits found in taking on an Amateur-Built Category aircraft project. The new proposed rules would not only create a paperwork nightmare in documenting the work as either fabrication or assembly but would leave subjective discrimination on which category the work falls under.

Through programs offered by the EAA, FAA and other industry groups, the safety record of Amateur-Built Category aircraft has improved to almost that of certificated light general aviation aircraft. The proposed changes could severely reverse the trend by requiring the builder to fabricate critical components which can only be produced safely by expensive and complex machinery. It is my understanding that a committee comprised of industry leaders, the FAA and manufactures of kit planes concluded that better enforcement of the current regulations would be better than changing the regulations. I then ask why do we not listen to the professionals we empower to study the problem? Once again, the government feels change and increase in regulation is required for something which has already proven to work for over 50 years. Paul Ryder

Comments received from Lonnie Lawson
lbl2@aol.com, 12/12/2008 11:10 PM

As a kid, I grew up loving airplanes. Everything I found, I would try to figure out how to build an airplane out of it and if I could not, I tried to build a go cart and if not that, then it became part of the "Fort" I built every Gullows kit I could find. I went on to build bigger contol line planes and then R/C planes. Finally, in 1999, I started a RV-6 Tail dragger. I worked hard and in 13 months, I had it inspected and ready to fly. I know that plane from one end to the other. The FAA homebuilding rules were good for me and that plane (N222NL) is one of my proudest completions. Every year, my wife and I volunteer to help park homebuilt planes at Sun-N-Fun in Lakeland Florida. We see that same pride in many of the pilots who have recently completed there planes. Please do what ever is necessary to preserve the possibilities and rewards that come to a pilot who builds his own plane. I agree that the "assisted as in built it for me" programs are bad but the number of pilots who cheat themselves and want to claim they built it are few and easily spottes as they park the planes. I know of one pilot who not only paid to have his plane built but actually had another pilot FLY it for him to Sun-N-Fun. What honor is there in that? We laugh at him and show him no respect. He may even be as unable to fly it as he was to build it. Please continue a bonified search for an effective way to prevent the bogus builder from attaining what those of us have worked many hours and with much effort. While doing that, please do not add more burdens to a difficult task for most any of us who attempt to build our own plane. Paperwork is what we are least looking forward to. Thank you for your time. Godspeed, Lonnie Lawson

Comments received form Scott Williamson
dinahdog@cox.net, 12/12/2008 01:33 PM

As a Veteran who has served this country in Southeast Asia during the 1970's, and as such, was a member of a generation betrayed by its government, I take very seriously any proposed infringement on our freedom by government bureaucrats. The proposed change to the 51% rule is exactly that. I value the freedom afforded by the Experimental Amateur-Built rules — to dream up, design, build, and fly the aircraft of my vision, without any limits on the complexity, power, size, or performance of the aircraft. I have been working on my aircraft for four years and cannot start documenting my time as per the new proposal. To do so would take time from my construction, research and assembly of major subsystems just to satisfy some desk driving bureaucrats need to justify their job. After retiring from the airlines, this project stimulates, challenges and provides me an outlet for my energies necessary for continued personal growth. With the government insidiously interjecting itself more and more into our daily lives, reducing our freedoms, this rule change is a challenge to every law abiding citizen who treasures liberty and freedom. I encourage the FAA to preserve the amateur-built regulations and practices that have proven successful for more than 50 years, that have given a huge wealth of innovations and advancements to all of aviation, and that have fostered participation, learning, and enjoyment of personal aviation. Please resist the FAA mantra: "We're not happy until you're not happy". Scott Williamson

Comments received from Joseph Greulich
pilotart@yahoo.com, 12/12/2008 10:18 PM

Dear Miguel, I currently fly an experimental that I purchased and really enjoy. I can afford this aircraft ... Uses auto fuel.. wings fold to hangar at home.. fits on trailer .. , I would have built one of these on my own but the expense of the tools needed for metal bending and many of the parts were more than I as an individual could senseably afford. Today with modern CAD contolled equipment these parts can be created (precise high quality) in kit form for a decent price FAR below what a certified an aircraft current cost. Also many more choices then the certified market. Keep the rules as senseable as possible DO NOT make the rules more complicated than actual building the aircraft. Lets not make building or putting together any idea a disgusting operation . Being smart in the beginning to know the complex rules complicate all matters to a rule stop, or not

smart enough to the forsee NEW complexity and then stopping the project because the rule says is only a violation, is waste. A perfectly good aircraft can not fly because of words on a peice of paper, only a Idiot could be satisfied. There are currently quite a few aircraft flying on the current rules and like a lot of our other rule systems , we don't need new ones only sensable enforcement of existing ones. Looks like everyone wants an easy way out , Banking , Home owners, Politicians, Government, all this after they could not pay attention to what was working. I hope I have added something , Thanks Joe

Comments received from Dennis Eby
deby@mta-telco.com, 2/12/2008 02:01 PM

I would ask that you reconsider grossly modifying the current 51% rule for homebuilding aircraft. I think it has served the home builders as well as public safety well for more than 50 years. It has been my dream to build a home-built aircraft and I am finally in the process of completing a kit plane. I can't imagine building my kit (Murphy Rebel Elite) if I had to fabricate everything. It has been a 5 year project up to now anyways with all the work that is required to build it. I ask that you not complicate the process. Dennis Eby

Comments recived from Ken Rhoden
Ken_Rhoden@ZoomEmail.com, 12/12/2008 01:55 PM

I'm not very articulate in expressing my views but here goes. We have a rule that works so I see no reason to change it just to make it hard for the honest people to fulfill a dream of building their own aircraft. I wonder who is behind this effort, is the FAA finding planes that are 50/50 60/40? What are the documented numbers of transgressions of this rule to date? I think this is a fare question, why spend anymore of our tax money to put a plan in place to catch a transgressor when we already have a system in place to do so? It is not the 51% that is the problem to me, it is the 20% +20% +11% that would be the problem. This new proposal would add way to much confusion to most builders like me. If I build an all aluminum aircraft I will have to fabricate 20% of the amount of aluminum? That is 20% of the finished aircraft, isn't it? Is this by volume, surface area, weight, aircraft or number of peaces? Think I'm kidding, who decides? As a retired DOD GS-11 Quality Assurance Analyst, Aircraft, Fleet Readiness Center South East (FRCSE) I can assure you however absurd the questions, they will come up, I've heard them. Some inspectors think one way and others think another, neither are bad people they are just people. The inspectors are the ones in the trenches and they have to make the call. What call will they make? I know of holds being put on inspections so as not to have to deal with certain inspectors. Most home builders don't have this option. I would think with Lean manufacturing and process control being so heavily pushed in all areas of the federal government these days, that you would require that your people provide you with a statistical analyses of the data to base your decisions. Why confuse me any more, let sleeping dogs lay. Thank you for taking the time to read my ramblings. Ken Rhoden

Comments received from Murray Sweet
murray@acehelicopter.com, 12/12/2008 09:23 PM

As president of Ace Fabrications and Canadian Home Rotors International, the manufacturers of the SAFARI Helicopter kits, I would like to ask that you seriously consider retaining the present 51% regulations and just educate your inspectors on how to confirm the builder has built the kit. This can be done by requiring the builder to take and compile a photo album. Simple questions for each photo will easily confirm the builders past experiences and knowledge. Sir, I have spent the past 29 years perfecting the SAFARI helicopter and following the current regulations, knowing full well that this regulation was being abused. Our company actively counsels our builders to always photograph their progress (they can also show these photos to their grand kids during their last days in the old folks home). I have not had a problem with this process and judging by the hundreds of calls a month, I know they are learning and taking pride in their accomplishments. Our safety record is second to

none on this. I and all five of my partners are current EAA members and I am also an RAAC member. Hoping to hear of your re-consideration on this matter and offer all my thoughts and experiences to you and your staff. Any time and all the time. Thank you for your consideration and I trust you will choose correctly. Life is getting too complicated! Respectively Yours; Murray Sweet

Comments received from Jeffery Reynolds
jreynolds@revman.com, 12/12/2008 04:56 PM

Please don't shut us down. I am and have been for many years an aviation admirer. I have been playing with model airplanes for over 30 years and recently have been flying Ultra-Light airplanes. I have been thinking about building my own plane in my garage and flying it when it is finished. Personally I don't think the new 20-20-10 rule will affect me and my dream because I am a scratch builder and plane on building my plane that way. There are however many people out there that have build their planes in this manner and don't want to scratch build another one. They want a Kit with pre-manufactured parts that they can put together and fly. In the model world they are called ARF (Almost-Ready-To-Fly). As long as the FAA keeps a watchful eye on the manufacture of these kits and the manufacturer can prove airworthiness then they should be able to produce these kits for future pilots to fly. If we go all the way back to the beginning of aviation, Orvill and Wilber built and flew their own airplanes. Nobody made rules for them to follow. The generated the multi-billion dollar success of the home built flying builders of today. Please let us aviators continue to build our own airplanes without having to place rules on what I can and can't build. We try to keep it safe, we don't plan on dying in our machines. We are innovative and design new things that work. Other builders incorporate our ideas and make flying better and safer for the pilot, passengers and people on the ground. I enjoy my ultra-light airplane and I will enjoy my home-built also. Thank you for listening, Jeff Reynolds

Comments received from Bill Wagner
wnw57@suddenlink.net, 12/12/2008 11:41 PM

I am new to this whole business of making an airplane. I retired from the Air Force 3 and a ½ years ago after 26 years of service. In that time, I flew over 3,000 hours in F-16s, T-38s, and RF-4s. I was an instructor in all three jets and a Supervisor of Flying in two. So I know what it is to fly an aircraft. When I was growing up, my Dad, an ex-B-17 pilot from WWII, tried to build a BD-5. I saw him every night out in the garage cutting, shaping, milling and generally having a great time putting together his aircraft. He never had the opportunity to put a power plant in it so it stayed on the verge of completion and he never finished it. Now that I am retired, I have picked up this desire to see my Dad's vision to completion. I did not have the time when I was active duty to be able to build an aircraft because of having kids and trying to stay up with my work. Now, however, I have significantly more free time and this desire continues to grow.

The only problem I have is I do not know which way this ruling on the 51% will go. I have been looking at building the RV-7A. I would use a quickbuild model. I know the FAA has approved this before but I do not know if these approved aircraft kits will be "grandfathered" back in and stay approved. I am stuck because I can't risk the expenditure and do not know what the outcome will be. It would certainly make sense for you to approve these already-approved kits but I cannot bank on it so I wait. My intention is building is to learn a new set of skills, own another aircraft (I used to own a classic Culver V that I inherited when my Dad died several years ago), and teach some of the boys from church who are engineering types how to build an aircraft. I believe this is exactly what you want. If that is what is achieved, why would it matter if I fabricate 20% of the aircraft? Would it not be more logical for me to do the mundane time-consuming tasks that I can do and let the efficiency of Van's machines and computers do the part they do the best as long as I do a majority of the tasks overall? Thank you for your time. Sincerely, Bill Wagner

December 7, 2008

Barry Santana
165 Looking East Drive
Somers, MT 59932

Miguel L. Vasconcelos
Production and Airworthiness Division (AIR-200)
Federal Aviation Administration (Room 815)
800 Independence Ave., SW
Washington, DC 20591

RE: *Comments on the Percentage of Fabrication and Assembly That Must be Completed by an Amateur Builder to Obtain an Experimental Airworthiness Certificate for an Amateur-Built Aircraft; Extension of Comment Period.*

Dear Mr. Vasconcelos,

I am augmenting my comments submitted on August 31, 2008 via e-mail (attached) regarding the above-referenced proposal. I appreciate the ability to respond again with access to Figure 9-3, Amateur-Built Fabrication and Assembly Checklist, now available. The Checklist provides information on several of my earlier comments but also opens several other areas of concern regarding the change from the previous Checklist in AC20-27F, Appendix A. Many of my earlier comments were addressed by the formal response from the EAA presented on September 30, 2008 to the first request for comments by the FAA.

The new Checklist is very confusing and is either incomplete or grossly in error for many types of experimental aircraft and construction techniques. In my opinion, the new Checklist complicates the builder's responsibility to determine the adequacy of the aircraft he is attempting to build and certify to meet the 51 percent rule while also complicating the FAA's task of evaluating the aircraft after construction is complete and certification is requested. I have organized my specific comments by Task Groups, but first must comment on the NOTES and INSTRUCTIONS provided on the last page of the Checklist:

- Note 1: The number 187 for tasks is an arbitrary number and does not have meaning in this checklist for all airplanes. Each type of load-carrying system and method of construction (i.e. tube and fabric, metal skin, composite shell, wood, hybrid metal skin – tube and fabric, composite shell – tube and numerous other combinations) must have different tasks for a valid comparison of kit manufacturer/amateur builder/commercial assistance task completion. The number of tasks must surely be different for different types of aircraft and construction methods. **The number and selection of tasks for each individual project should be the result of careful study by individuals with significant experience in that type of aircraft and type of construction to fairly represent**

tasks that are critical to evaluating whether the builder has complied with the 51 percent rule.

- Note 2: It would not be mathematically correct to divide by 187 if this number of tasks was the correct number. If a task is not applicable, by default a zero is assigned. The resulting fraction will not provide the correct distribution of effort for the applicable tasks in the project. Some examples: If I am building a glider, I may not have a propulsion system and all the tasks that accompany that group. If I am building a simple aircraft I may not have flaps or retractable landing gear. If I am building a flying wing I may not have an empennage. If I am building a rotorcraft, I will not have wings. I also may have all sorts of other activities that are critical that this list of 187 tasks do not address.
- Note 3: The statement, "Total must be 187." is not realistic. Each type of construction or type of aircraft is likely to have a different number of tasks.
- Note 5: The statement, "Total must be at least 95.3 Points." will not be true if there are not 187 tasks. This would be better stated as a percentage or fraction of the number of tasks, which will be 51% or 0.51.
- Instruction bullets 1 and 2: It is not clear how the distribution between columns A-D will be computed. Is it by parts count? Is it by labor hours? Is it by complexity? Is it by weight? Is it by cost? All these metrics will be difficult at best to normalize. How do you propose the builder should assign fractional values when evaluating a project? How will the FAA inspector evaluate the fractional distribution upon review of the checklist when the airplane is submitted for certification? Who will adjudicate differences of opinion between the builder and the FAA or its designee on the method or assignment of fractional credit?
- Instruction bullet 4: Where is the Representative Number of Tasks and Minor Repetitive Operations discussed to help understand this sentence? Where is it "covered in the explanations of this form"? This statement may directly conflict with the next bullet, but I don't think I understand the statement.
- Instruction bullet 5: The statement, "'Additional Items" are to be listed **by** do not count as tasks." does not make sense, literally or in the context of different types of construction or types of aircraft. Flexibility is needed to add or remove tasks for different projects if such a detailed approach to "scoring" is proposed.
- Instruction bullet 6: This is a good list for the builder to have. In fact, I believe the research necessary to assemble this information provides more value than some of the fabrication and assembly tasks that have been so laboriously dealt with in the checklist. The proper dedication to reviewing available literature and studying drawings, maintenance manuals, parts catalogs and handbooks will make me a better builder, more knowledgeable owner and safer pilot than many of the repetitive tasks that are used as the "Checklist". It would be advantageous to fold this into a "checklist". What does item (8) Part inventories and histories entail? Does this mean technical certifications like material heat numbers, country of origin or part traceability? This sounds like a commercial or military aircraft program. We are not going to be building F-22s here. Well, maybe Burt Rutan will!

I will start my commentary on specific tasks within task groups with the observation that several of the tasks do not appear to be tasks that should be scored **against** the amateur builder.

- Fabrication of the propeller is one task that a few homebuilders may accomplish, but most amateur builders, like major airframe integrators, will purchase the propeller from a vendor specializing in propellers (like McCauley, Hartzell, Sensenich, MT, etc.). This makes economic sense and provides for a smoother running engine and safer flight.
- Propeller spinners and associated hardware may also be considered in that category, although if a builder was to get major credit for cutting out the blade area on the spinner, it would be acceptable. Still, some major balancing could be required and special tools needed.
- The aircraft engine exhaust system needs to work well with the engine or power will be lost, engine life reduced or mechanical failure may cause a fire. Additionally, exhaust systems are generally fabricated from specific stainless steel or inconel alloys requiring special tools and skills. Another potential safety issue. Why penalize the amateur builder that buys an exhaust system from a specialty manufacturer and shapes or modifies his cowling to fit this critical component?
- Seat belts and shoulder harnesses are critical components that can be easily purchased and the builder is assured of a safe system. Why encourage the builder to "sew his own" and fabricate some kind of buckle that may be marginal just to get a point and not lose a point?

Fuselage Tasks

Task 2, Fabricate composite Cores or Shells, Skins - Not applicable to all aircraft.
Tasks 23, 24, - Clarify Mast and Strut…I don't believe these are applicable to all aircraft.

Recommend tasks to add:

- There are no tasks for fabrication and assembly of special tools and fixtures. This is common to most fuselage construction efforts.
- The jackscrew assembly is not addressed for aircraft so equipped.
- The rudder pedals are not addressed.
- The floor system is not addressed.
- The battery compartment is not addressed.
- The firewall and associated structure is not addressed.

Wing Tasks

Tasks 29, 30, Composite Cores - Not applicable to all aircraft.
Tasks 33, 34, Drag/Anti-drag Truss Members - Not applicable to all aircraft.
Tasks 54-65, Flaps - Not applicable to all aircraft.
Task 75, Fabricate Wing Struts/Wires - Not applicable to all aircraft. Assembly of wing struts/wires not addressed.

Recommend tasks to add:

- Wing assembly rigging- dihedral, washout, flap limits, aileron limits are not addressed.
- Wing root fairing is not addressed.
- For fabric covered wings or components, rib stitching (or equivalent), finish tape/gusset application.

Empennage Tasks

Tasks 85, 86 appear to duplicate Tasks 90, 91.
Tasks 92, 93, Horizontal Cables, Wires and Lines – Not applicable to all aircraft.

Recommend tasks to add:

- Assemble elevators to horizontal stabilizers.
- Tail surface rigging as appropriate for type, i.e. properly tension tail wires, adjust elevator movement to design or flight test specifications, adjust horizontal stabilizer trim movement on jackscrew equipped aircraft, adjust rudder movement to design or flight test specifications.
- Make provisions for design types having no conventional tail, i.e. canard, stabilator or all-flying tail.
- For fabric covered components, rib stitching (or equivalent), finish tape/gusset application.

Landing Gear Tasks

Task 140, Landing Gear Actuation System Components - Not applicable to all aircraft.
Task 149, Perform and[sic] Operational Check of Landing Gear (Normal/Emergency Systems) - Not applicable to all aircraft.

Recommend tasks to add:

- Landing gear steerage system.

Propulsion Tasks

Tasks 154, 155, Engine Compartment Overheat/Fire Detection System – Not applicable to all aircraft.
Task 158, Fabricate Exhaust System – As discussed previously, I submit that this should not be a part of the Checklist.
Tasks 169, 170, Fabricate Propeller/Spinner Components - As discussed previously, I submit that this should not be a part of the Checklist.

Recommend tasks to add:

- Tasks for tools and fixtures.

Cockpit Interior Tasks

Task 184, Fabricate Seat Belts and Shoulder Harness Fittings – I commented on the previously and recommend that it be omitted to prevent builders from attempting to get a point and not lose appoint by making their own belts. Possibly I am misreading this task and fittings don't refer to the belts, buckles and attach fittings to bolt to the fuselage. If all these items are not included, the task should be clarified.

Recommend tasks to add:

- Installation of basic instruments in addition to avionics. One task each for electrical, vacuum and static instruments.
- Task for baggage and extended baggage compartments.
- Task for headliner.
- Task for interior panels.

Although I have critiqued tasks that currently populate the checklist and have recommended additional tasks if such a detailed approach is taken, I reiterate that I believe this, or another version(s) of this type of checklist is doomed to nitpicking by builders and will be a nightmare to fairly administer by the FAA. I much prefer the approach used in the AC 20-27F, Appendix 8 checklist. This checklist is simpler, more general and flexible, and indicates whether the builder has accomplished 51 percent of the work.

A fixed-task number approach as proposed in Figure 9-3 will require many different checklists to fairly evaluate all types of aircraft and construction. Tasks need to be carefully considered and vetted for each type of aircraft and design. I fail to see the value in having tasks like propeller and exhaust system fabrication as a task to be won or lost by the builder. Safety should be considered paramount.

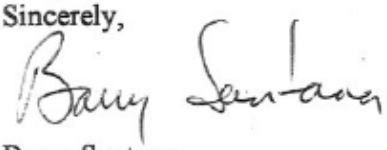
I also believe the four-column assignment of responsibility for a task to be fraught with contention. In my opinion, this will increase the complexity of the checklist by an order of magnitude. The proposed checklist is just too complicated and contentious to be used by amateur builders and the FAA to validate the 51 percent rule.

It appears to me that this approach is an effort to encourage the amateur builder to purchase an FAA approved kit. That commercializes the amateur built experimental aircraft program far beyond what I had ever envisioned. The attraction of the experimental category is the ability to develop a unique design or build a classic replica out of production for educational purposes and hopefully for less cost than purchasing currently available certificated aircraft. The approved kit approach may be great for some, but will surely stifle the innovation amateur builders and the EAA have strived for in the last 50 years. If you want to limit commercial assistance during construction of an experimental aircraft, I believe the capability exists in the current policy. Please keep the complexity to a minimum and simply enforce existing policy.

I appreciate the opportunity to respond a second time with Figure 9-3, the Checklist, available. Please keep amateur builder apprised of the progress you make on the policy revision changes as this change has significantly affected builders working under current

rules with the investment of time and money that may be thrown away. I'm sure it is also requiring prospective builders to postpone commitment to a project until this is all sorted out.

Sincerely,



Barry Santana

Attachment

Subject: Comments on FAA proposal to revise amateur built aircraft requirements
From: Barry Santana <bsantana@centurytel.net>
Date: Sun, 31 Aug 2008 20:59:19 -0600
To: miguel.vasconcelos@faa.gov
CC: govt@eaa.org

Dear Mr. Vasconcelos,

I have reviewed the subject proposal by the FAA. Currently the requirements are quite simple and require the builder to complete 51 % of the construction process; the checklist is simple and is easily interpreted by anyone capable of building an airplane. The proposed rule appears simple enough... simply change a few percentages and require the builder to fabricate as well as assemble parts of the project. I find the proposed rules to be ambiguous when applied to a project that I am currently working on.

What is the definition of fabrication? Does the builder get partial credit for fabrication of a part or assembly? How are these percentages determined (i.e. by labor hours, by material weight, by material cost, by number of parts in the assembly or sub-assembly). Without this information it is impossible for a person to determine how his project stacks up to the new rule. Complicated? You bet.
Let me pose a hypothetical example: A fabric covered aluminum wing structure. First consider the spars. The builder cannot form spars made from extruded material. If he drills the holes for bolts and screws attaching appurtenances is that fabrication? What is the percentage. Does he have to "form" ribs to get credit for wing fabrication or can they be purchased? How about application of the fabric...is this fabrication or assembly? The skin is being fabricated from raw materials. It will take more time to apply this skin than it would take to "fabricate" the substructure. Does covering the wing constitute fabrication of a wing? What percentage? If the builder does not fabricate the whole part, does he get no credit at all?

What is the definition of assembly? Is it only the bolting together of parts? What about installing control cables; electrical wire; tubing; instruments...assembly or fabrication? Does partial credit apply? Does the FAA plan to identify and categorize all the tasks involved in building for all the types of aircraft construction? How will this be documented for the builder? This appears to be a very complex process and one that many builders will have difficulty determining after the airplane is constructed, much less before construction starts.
Should a builder be expected to invest thousands of hours of labor and tens of thousands of dollars on the chance that a person, group or committee of FAA designees may not interpret the project the way the builder did when he started and deny certification. Or should he be discouraged from starting a project from which he can gain significant skills, become educated in multiple aerospace disciplines, and enjoy working with his mind as well as his hands. Both appear to be valid outcomes of the new rule if implemented as proposed.

Wouldn't it be simpler to maintain the status quo and simply enforce the current rules? If there are areas that the FAA feels are in conflict with the intent of the current rule, why not state those cases and then enforce the exceptions?

If the proposed rule goes final, at the very least three very important ***definitions*** need to be carefully determined:

*1. Fabrication.
2. Assembly.
3. The foundation of the percentage calculation.*

Thanks for considering my concerns about the proposed rule.

Barry Santana
406.857.2440

165 Looking East Dr.
Somers, MT 59932

Miguel L. Vasconcelos
Production and Airworthiness Division
AIR-200, Room 815
800 Independence Ave., SW
Washington, D.C. 20591
fax: 202-267-8850 → fax does NOT work!

Re: 51% rule for homebuilts

Dear Mr. Vasconcelos,

I'd like to express a deep disagreement with your bureaucratic employee apparatus.

The charter of FAA is to assure the safety of both flying and non-flying public. The existing 51% rule has proved for more than fifty years that it works, that there is no need for any so called enhancements or revisions.

In fact, FAA, nor anyone else can provide any correlation between the 51% rule and safety of our homebuilt airplanes.

It is obvious that some other force is here, pushing for a change. One only needs to ask question who would benefit from this change. Obviously it is the certified aircraft manufacturers, bureaucrats and politicians involved.

There is nothing in this proposed change which would make our planes safer and more reliable. In fact, even existing 51% rule actually lowers the safety, since builders are forced to perform the tasks which would be better done by professionals.

It is too sad to see that this once honorable agency, as FAA certainly had been, now allows itself to be under political and special interest groups pressure.

Who is being bribed? How far the corruption of individual government employees went?

Are we really in such a bad shape that we allow this nonsense to continue?

Mr. Vasconcelos, please stand up for safety, reliability and common sense, not for Cessna, Piper, Beechcraft and other pressure groups.

Do what is right, so we won't have to look at FAA as a corrupt organization.

Sincerely, Peter Gant

Peter Gant, California

December 15, 2008

Miguel L. Vasconcelos
Production and Airworthiness Division
AIR-200, Room 815
800 Independence Ave., SW
Washington, D.C. 20591

Reference: Proposed Policy changes regarding Certification of Amateur-Built Aircraft.

Dear Mr. Vasconcelos;
I am a recreational Pilot who has built an experimental Dragonfly aircraft from a set of plans. The aircraft was completed and inspected/signed-off by the FAA in 1996. As I crafted most of the pieces of this aircraft myself, it took me a total of 14 years of mostly weekends and an occasional evening to complete this aircraft.
There were two primary reasons I undertook this project. 1st: at that time it was the only way I could obtain this particular aircraft which I loved then and still do love. 2nd, it was then and remains the only way I could afford an airplane of my own. I was able to build and complete this plane for under $10,000 in materials. My labor was monetarily free. I feel this continues to be a prime motivator for most homebulders. The existing regulations of FAR 21.191(g) have been and are adequate to regulate this activity. Flying is my passion. I make great financial sacrifices to continue to fly in this increasingly expensive environment. Seemingly simple additional requirements imposed by the FAA on flying can have financial impact on us "little guys" that were perhaps not intended. For instance, the looming possibility of replacing my 121.5mhz ELT with the new 406.0mhz ELT will cost me over $1000.00. This is a significant impact on my flying.

My primary concern is that the complexities of this new policy will place significant new burdens on amateur aircraft builders who are following the regulations today while not knowing the effects these significant policy changes will have on their work in the future. Plus, I don't see how the proposed changes will address commercial building issues that caused the 51% policy to be revised.

The following are my specific comments:
Enforce the existing regulation (FAR 21.191(g) and the FAA policies (FAA Order 8130.2). By doing this you will not be placing additional burdens on builders like myself who are complying with the spirit and intent of the rules, or 3) FAR 21.191(g) does not require me to fabricate a specific percentage of my aircraft. Asking me to determine a 20% fabrication value goes beyond the FAR 21.191(g) requirements.

I appreciate the opportunity to submit comments on this proposed policy change.
Sincerely,

Richard J. Terry
310 Spur Trail Ave
Walnut, CA 91789

300 South Wingate Way

Lenoir City, TN 37771

(865) 988-8841

Mr. Miguel L. Vasconcelos

Production & Airworthiness Division

AIR – 200, Room 815

800 Independence Ave., SW

Washington, DC 20591

Dear Mr. Vasconcelos:

I am writing in response to the proposed changes to the current 51% rule in place regarding homebuilt aircraft.

We currently have a rule in place that is and has worked for many, many years with great results. This has fostered the tremendous growth of the homebuilt movement along with the great results that have come out of this rule. It has been a boon for this country, for industries associated with this movement and for the individuals that participate in it. Think of all the equipment suppliers that have come into existence because of this. Many, many small operations. In today's economy it is hard enough to survive let alone passing a new rule that will suppress homebuilding tremendously by adding tremendous extra burden on homebuilders with resultant loss in sales that will occur.

As the rule now stands there are kits that have met the 51% rule at some cost to themselves and as such have enjoyed the fruits of that labor. Now you want me to determine what each piece or part constitutes in regard to percentage it constitutes! How in good sense am I going to determine that and be sure in the end it meets with your approval? This would be extremely confusing and would impose an unnecessary burden that is not warranted or necessary in order to meet the spirit of the current 51% rule.

I can assure you that if it is passed I will find another type project such as car building in which to channel my creative juices. This will in turn deny all the kit manufacturers and parts and supply people any sales. I have spent many thousands of dollars in the aircraft industry since starting into the homebuilt process over 20 years ago. This was intended to be continued into the future.

I know this has come about as a result of people and businesses taking advantage of this program in a way not intended. I regret this but there are untold thousands who are doing it right. They and future builders should not be penalized such as this will do. You know who a lot of the violaters are or this would not be proposed. GO AFTER THEM !!!!!! It's your job to do so. It seem's that in today's world though that going after the expedient way seems to be the norm. It seems that doing right gets you shafted.Enforce the existing law and rules !

I have been working on homebuilt planes for almost 30 years and am about to finish my first. I was looking forward to my next project but will not choose a plane if this is passed.

Homebuilding has allowed me to do something I greatly enjoy and to expand my practical and knowledge base unbelievably over the years. I am a much more able and capable craftsman not to mention the wonderful people I have met in the process. I am also a member of the EAA #81067. I also go to Oshkosh each year and spend bundles. This would stop.

I urgently ask that this proposed change be dropped because of it's impact on the movement and it's associated industry which will be very negatively impacted whether you or others realize it. How many in this decision making process are homebuilder's themselves? Go after enforcing the current rules and make corrections that way not screw things that work up.

I respectfully submit this from my heart on one of the most important things in my life, that you would consider its negative impact and leave the rule as it stands. I stand to be of any further assist in this matter if I can be.

Respectfully submitted,

Kenneth Bloom

12-12-08

December 13, 2008

Mr. Miguel L. Vasconcelos
Production and Airworthiness Division AIR 200
Room 815
800 Independence Ave. SW
Washington DC 20591

Dear Sir:

I am writing this letter in regard to the experimental 51% rule. I have built two experimentals and they are just marvelous machines. I think there is nothing wrong with the rule as it now stands. Just look at Oshkosh at all the excellent, quality aircraft.

I know the problem of build for hire that the FAA is concerned about and I agree. However, the problem is with enforcement, not the rule as written.

When a large company openly advertises "Start to taxi in two weeks," there is a tremendous problem with enforcement.

The change I have read about having to fabricate 20% of all parts will do more harm than good. For instance, most of us don't have the equipment to form ribs like the kit manufacturers so the quality could suffer and possibly some safety factors.

If you look at the riveting, fiberglassing and construction in general of the newer experimentals, I think you would have to say we are doing an excellent job.

Please carefully consider what Van (Dick VanGrunsven) proposes. I think he will be very fair to both sides (FAA and builders.) He considers both building of the aircraft and safety.

If you change the rules (as to the building of experimental aircraft), you still have to enforce them which probably will be tougher for your inspectors to do.

PLEASE DO NOT CHANGE THE RULES BUT ENFORCE THEM AS THEY NOW STAND. I think this would accomplish the FAA's concern and still be good for us, the builders.

Respectfully,

Jim Winings

Jim Winings
2685 S County Road 300 E
Danville IN 46122

December 10, 2008

Miguel L. Vasconcelos
Production and Airworthiness Division
Air-200, Room 815
800 Independence Ave., SW
Washington, DC 20591

Ref: Proposed Policy changes regarding Certification of Amateur-Built Aircraft

Dear Mr. Vasconcelos;

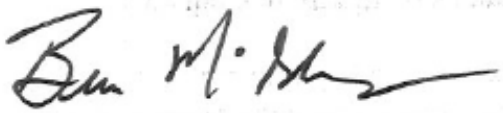
I am a Private recreational aviation pilot since 1979, certificate number 2690701., I am building a Vision Freedom plans built airplane and am very concerned that I will not be able to meet all the changes to the future 51% construction rules.

My primary concern is that the complexities of this policy will place significant new burdens on me as a builder who is following the regulations of today while not knowing the effects these significant policy changes will have on my work in the future. I also don't see how the proposed changes will address commercial building issues that caused the 51% policy to be revised.

The existing regulation, FAR21.191(g) has served the amateur-built aircraft community very well for the past 50 years and should be left alone.

I appreciate the opportunity to submit comments on this proposed policy change.

Sincerely,



Bruce McGlamery
608 Sunrise Ave.
Winter Springs, FL 32708

Creston A. King, Jr.
5351 chestnut Street
New Orleans, Louisiana 70115-3054

November 22, 2008

Mr. Frank Paskiewicz
Manager, Production & Airworthiness Division
Federal Aviation Administration, AIR-200
800 Independence Avenue, SW
Washington, DC 20591

Dear Mr. Pakiewicz:

I am writing to you about the rules governing kit airplanes. I have been in aviation for over thirty five years. I am active in flying instructing (CFII) and working with the Civil Air Patrol in New Orleans. I also am interested in building a kit plane and am distressed that the rules which have been in effect for many years may be subject to change.

I want to purchase a kit plane because a kit plane is affordable and I enjoy building and working on planes. However, I do not have the tools and jigs necessary to construct the major parts of a plane: the wings and fuselage. Therefore I want a majority of the parts assembled into a kit format for me. I want an easily understood manual from which to assemble and where necessary to instruct me as to how to "fabricate" the part from basic material. I want a substantial part of the plane pre-assembled so that I can be assured of their structural integrity and correct shape. I also expect that the manufacturer will have tested these parts so that I will know that they are safe. I have helped others who have done about 90% of the work themselves and this usually requires many years of work to complete and in many cases the planes are never finished.

Reviewing 14 CFR 21.191(g), I see nothing therein that requires any percentage of fabrication. Fabrication is not defined. I think that we should have fabrication mean what it has for the past many years. As a longtime teacher of physics at Loyola University New Orleans, I know that people learn by doing. I always try to have the students do "hands on" physics as opposed to textbook physics. I know that I can learn much by assembling and fabricating parts from the materials provided by any of the current kit manufacturers. The fast build kits will definitely allow many of us to build our own planes and enjoy them at a much lower cost, in much less time and will result in

a safer airplane. The fact that the builder can do some maintenance will also lower the cost of ownership.

My aircraft will be used by me for fun and will not be used for commercial purposes. I trust that the FAA will seek opinions of the suppliers, the kit manufacturers and the potential buyers in order to determine how best to serve the aviation community with safe, affordable kit planes.

At a time of severe economic recession, we can not afford to put even more businesses and workers out of work with new government regulations.

Sincerely,

Creston A. King, Jr.

Comments received from Kevin Hartman
thehartman.family@verizon.net, 12/12/2008 07:49 PM

I am a 45-year old first time "building and airplane in your garage" enthusiast. I got my private pilot's license after seeing several Vans aircraft at my local airport and became interested in flying for real and building my own plane. I grew up building several model airplanes with some that were definitely experimental. The idea of taking a manufactured kit and learning how to put it together with confidence that it would be safe and functional was a dream until I decided to just jump in and see how hard or how doable it would be. I took a class and just kept to doing each task that the instruction called out for and not looking up to see how big of a project it really seemed to be. I love that I can take pre-manufacture parts that I know I could never create at home with the precision that I can get with my current kit, put together and they fit with perfection otherwise I know I may have blundered and I need to restart, and take a Mulligan.

My journey so fare as been very educational and it has had it's ups and downs but each time I learn a new tip or finish a construction task I feel rewarded and look forward to the next construction journey I face with building an experimental airplane at home to one day fly and learn even more about aviation and sharing it with others. My kids have learned a few things that most their age will not care to know and I have the privilege of educating them along side my journey. Please continue to allow us this wonderful privilege and the opportunity to explore aviation with small steps sometime coming from guys and gals building their dreams at home and sharing that with the family and friends. I understand there is always change with the times and would hope that the opportunities we have could continue without compromising safety for everyone.

There are hundreds of hours during the construction that simply involve making decisions and planning the next move, no glues, rivets just mental work and sometimes anguish that comes with the territory. The Experimental arena breeds new technologies that are birthed from the DYI attitude to improve, invent or expand upon an idea that allows others to benefit from. I don't want to experiment in areas that I may lack experience with or feel that a manufacture's product is superior so I appreciate the help and take it when I can. Please allow the spirit of Aviation to flourish and help us home builders to share the passion for "Building your own kit airplane" continue as we share with the guy walking the dog passed our garage that he too can learn to fly and maybe even build his own airplane like I am in the garage. Thanks again. Sincerely, Kevin Hartman

Comments received from Bob Clark
bobclark12@msn.com, 12/12/2008 03:06 PM

From all the information I've been able to obtain, any changes to the existing rules governing experimental and amateur built aircraft should, at the very least, be postponed if not abandoned. The ambiguity of the wording and compliance issues put excessive burdens on all future designers/builders. There are already volumes of rules and regulations governing aircraft operation. The goal of these volumes is to insure the safest methods and materials are used and that the assembled parts meet proven standards.

Safety, whether for those in the aircraft or those on the ground, is the objective for all these rules and regulations. Because of all these regulations, anything having to do with aviation gets expensive really fast. Because of the costs involved, many people are not able to even consider flying in their pursuit of a leisure activity. Then we hear about experimental aircraft and the hopes of flight gets re-energized. FAR 21.191, item g) states experimental certificates are issued for the purpose of: *Operating an aircraft the major portion of which has been fabricated and assembled by persons who undertook the construction project solely for their own education OR recreation.*

Yes, there are hoops to jump through, but the dream seems to be within reach. And we're deriving educational AND recreational benefits as the regulations intended! And now you want to change the rules and make it even more cumbersome? You should be wanting to promote the dream of flight, not destroying it. One of the proposed changes limits the amount of help one can receive during construction. Apparently an amateur builder must know and be experienced in absolutely everything involved in the construction of an airplane.

If they don't know or can't perform each and every operation required in the construction process, they will have no means to affordably (time and/or monies) get this expertise due to the risk of not being able to be certified. If the owner is on site and receiving "help", does this work against him? Where does the *education* part fit in; who is the teacher in the is educational endeavor? The safety oriented person would want to be sure their aircraft was built with the highest standard of safety yet your regulations will leave the "best guess" method as the standard. No one wants to risk spending a lot of time and money on building a kit and then be denied the right to fly it. The reason for going "amateur" is to be able to afford the already expensive pursuit of flight. Let's not compromise on safety.

I realize there are those who abuse the rules and there should be penalties for such abuse. But your changes to the existing regulations will penalize everybody, not just the abusers. There has to be a better way. You could have the manufacturers come up with a test that the DAR could administer to show the applicants familiarity with the project. It's for education and recreation. The 51% should involve the *educational* aspect as well as the hands on building. I realize there are certain standards that must be maintained, but these standards should be used to promote safety and education, not place undue burdens on those who are have become enchanted with the dream of flight. I also realize there will still be those who cheat... no matter what you do. New regulations won't make people more honest. Sincerely, Bob Clark

Comments received from Christopher Carter
christopher@clcarter.com, 12/12/2008 01:55 PM

I would like to express my thoughts on the proposed changes to the 51% builder rule now being considered by the FAA. I just recently finished construction of a Van's RV-7 kit plane. It was my first experimental project. I built almost completely alone over a period of 2 years. My intentions from the onset where to build a safe and reliable aircraft that had good performance and low cost of ownership. There is no better way to do that other than the experimental category in my opinion. My building experience was indeed educational as well as recreational. In fact I would say the learning never ends as now I am successfully piloting my plane. I feel much more confident in my aircraft because I have combed over every inch of the airframe, torqued every bolt and bundled every wire. How many certified aircraft owners can make that claim?

Most importantly, in those critical areas where design directly impacts an aircraft's safety and performance I entrusted that to the kit maker. Van's aircraft has a stellar reputation for the design performance of its kit planes which is one of the major reasons why I selected the RV-7. As an example, critical design of the wing, directly impacting the airfoil, stall characteristics etc. is a portion of the kit itself and not the builder. The shape of each rib is critical to that wing and its safe ability to fly.

Van's, in my case, has taken the responsibility for that wing and left other builder abrication tasks to the builder himself that are perhaps of less impact on the safety of flight. I can not imagine fabricating those ribs from a template and cutting them out by hand. In my view the Van's kit (as well as others I might imagine) has in fact made a "safer" aircraft by carefully identifying those areas in the overall kit construction and meeting the existing requirements of the 51% rule as they stand now. Of course there are other examples I could site but I believe the meaning is clear.

The proposed change would place more "build from scratch" responsibility on the builder and increase the likelihood of subtle errors creeping into the kit aircraft itself. The statistical impact would be increased accident rates among experimental aircraft. I see the problem as enforcement of the current rule. Changing a rule that is not being adequately enforced now only serves to place an even heavier burden on those who are in compliance. "The innocent are usually the ones who suffer for the deeds of the guilty in a backwards society". Bureaucracies tend to believe the solutions to problems are more bureaucracy. I disagree in this instance.

To tighten a rule where the enforcement will not change, if that indeed is the situation, is ultimately choosing to do nothing about the problem. I encourage the FAA to choose to enforce the exiting rule rather than tighten a rule where the enforcement appears inadequate. Thank you, Mr. Christopher Carter

Comments received from Robert Cullinan
robert.cullinan@campaigners.com, 12/12/2008 02:00 PM

I've been a private pilot for 25 years and have earned advanced Commercial and Instrument ratings as part of my skill development. However, in 2003 I began the process of constructing my own kit aircraft. In 2005, after several thousand hours of work and dedication, my experimental aircraft, N2756C – a Van's RV9A, completed its inspections and was granted an airworthiness certificate. Shortly thereafter, I earned a Repairman's Authorization from the FAA to maintain this aircraft. This experience has been one of the most rewarding things I've ever done within the aviation community.

The actual process of manufacturing an experimental aircraft is a journey that is highly developmental. Along the process, I learned new skills, worked with talented volunteers and EAA club members, and learned more about aircraft construction, maintenance and safety than I thought possible. Experimental aviation is a tremendously valuable activity and includes unparalleled recreational and educational benefits. For our nation's economy, it provides a tremendous engine for commerce – many small and entrepreneurial companies are involved in creating and marketing products to the experimental aviation community. I'm writing today to express my support for the existing FAA rules governing experimental amateur-built aircraft. They are well defined, easy to understand, support the spirit of experimental aviation, are supported by some fantastic organizations like the EAA and local communities of aircraft builders, and work great. Please preserve the amateur-built regulations that work so well today and have proven successful for many decades. Sincerely, Robert Cullinan

Comments receioved from David R. Irvin
DIrvin@MIMSLaw.com, 12/12/2008 02:14 PM

Please accept these comments in reference to the proposed changes in the application and interpretation of the FAA's rules for amateur buit experimental aircraft. In 2005, I purchased and imported a Storm Century '04 aircraft kit from what is now Storm Aircraft (formerly SG Aviation), in Sabaudia, Italy. Because none of these kits had been previously sold in the United States and this aircraft kit was not on the FAA's "approved list", I wanted to do whatever was necessary to insure that there would later be no issue about my ability to register the completed airplane as an amateur built experimental aircraft.

So, before I brought the kit, and using a Sample Form 8000-38 and its Fabrication/Assembly Operation Checklist, I confirmed from Mr. Bobby R. Gillaspie, who was then the Principal Aviation Safety Inspector at the Cincinnati FSDO, that, based upon the tasks to be completed by the builder, the kit was well within the requirement that the majority of the construction tasks be completed by the builder. (My kit is far less complete than, for example, a Vans Aircraft "Quick-Build" kit. There is no matched hole drilling; virtually all components require some work by the builder prior to assembly; virtually all airframe components require jigging for assembly; and

some of the kit is nothing more than a supply of aluminum stock that can be bought in the same form from any good supply house.) I have over 600 hours into construction of the aircraft and have at least another 2,000 hours left to complete it.

To date, I have also invested over $30,000 in the kit, the required tools and items not supplied (such as fuel line and fittings materials, fuel level sensors, fuel tank adhesives, pitot hardware, elevator trim motor and the like) but necessary for a usable airframe. But, to this point, I have made no real effort, in my builder's log, to distinguish between work that is "fabrication" and work that is "assembly", and I frankly believe that the line between the two is, at least as to some tasks, inherently subjective. (When I trimmed and filed the supplied, but only rough formed wing ribs to their final shape, was I fabricating or assembling?) Like most amateur builders who spend several years of weekends in their garages playing by the rules, I have no respect for those who get their picture taken with a rivet gun and then claim to have done the majority of the work on their aircraft.

But eliminating that practice would be much better accomplished by simply enforcing the rules as they presently exist, rather than attempting to adopt somewhat arbitrary classifications of building tasks, and requiring builders to complete some equally arbitrary percentage of those tasks. In any event, any change in the rules should absolutely protect builders, like me, who, acting in good faith reliance on the rules as they presently exist, have invested substantial amounts of labor and money into projects that are still far from completion, and who have taken all reasonable steps to insure that, under the rules as they presently exist, there can be no question that the builder has complied with the letter and the spirit of those rules. Thank you. David R. Irvin

Comments received from Allistair Wilson
Sportflight <sportflight@aol.com, 12/12/2008 02:28 PM

I feel that I must comment on the FAA proposal to change the current 51% rule. It seems that the change to this rule is driven by the desire within the FAA to eliminate and discourage those people who flaunt the current rule, and who do not in fact meet the requirements of the rule as it stands. These individuals do not represent the vast majority of amateur builders. I know and fly with a number of local amateur builders, and in my observation of their work, all of them have built their aircraft within the spirit and indeed the letter of the law. They build airplanes because they enjoy the physical and educational challenge building an aircraft poses. This process is complicated as it stands, and I have also observed that many projects fail to finish because the challenges faced overcome personal skill, cost, or time constraints.

The straightforward requirements of the current rule simplifies the proportion of the project devoted to paperwork, and does not place an undue burden on the builder. Non-commercial pilot numbers have been in steady decline since 1980. There are a number of factors involved, perhaps the most significant being increases in the cost of flying, but increasing complexity of the regulations has also had an impact. Most GA pilots today are VFR day fliers and enjoy flying as a recreational pursuit. Amateur builders have developed and increased this segment of the aviation community since 1980 in part to fill a desire to make aircraft ownership more affordable to the average person, and to be able to have the opportunity to fly on a limited budget. I believe that in attempting to curb unacceptable practices, the FAA has taken the minimum cost and effort (to the FAA) route by trying to eliminate unacceptable practices through these proposed rule changes.

This would attempt to make this process 'self policing' by increasing the burden of proof of compliance on the builder themselves. I do not believe that this will work as proposed. It is my view that this is a 'sledgehammer to crack a nut approach', which will have significant unintended consequences. It will introduce more difficulty and more complexity for the average builder who already is complying with the rule as the FAA desires. These proposed rule changes will make it harder for most builders to succeed in completing their individual project, thus serving to discourage aviation rather than promote it, and further reducing the avenues available to the

average person to enter the world of aviation. This will form yet another hurdle for a prospective pilot, further discouraging pilot numbers. Those people who currently flaunt the rule have the financial resources and personal propensity to continue building outside the rule, and will have little difficulty demonstrating that their 6-seat turboprop meets the new amateur build requirements, so the proposed rule changes will not hit the target the FAA is aiming at. 'Grand fathering' current approved kits has two undesirable effects.

1. It is disadvantageous to new kit manufacturers who do not have current approval.
2. It freezes in place those kits already accepted which discourages innovation and development of new aircraft, which will be disadvantageous to future opportunities for expanding amateur building.

A system of auditing airworthiness application initiated by inspecting DAR's or FAA district offices could easily eliminate those individuals who are intent on flaunting the current rule. How many aircraft do the FAA refuse to approve as amateur build on an annual basis because the builder flaunted the current rules? What proportion of amateur builders are thought to be operating outside of the current building regulations? That information is not available in the public domain.

The answer to this problem is the correct and public enforcement of the current rule. It should be an internal matter for the FAA to ensure proper application of the current rules. A few well publicized instances of $200,000 amateur build aircraft being refused airworthiness certification as a result of targeted FAA auditing would quickly eliminate unacceptable practices. I urge the FAA to discontinue the proposed rule changes and adopt internal procedures to achieve the ultimate aim of this change to the regulations. This will ultimately serve the aviation community better in the long term, eliminating the unintended consequences of discouraging new amateur building, and adversely impacting future industry innovation. Allistair Wilson

Comments received form Travis McQueen
airport@psci.net, 12/12/2008 04:48 PM

I would like to express my concerns regarding the proposed change to the Experimental Amateur-Built rules. I value the freedom afforded by the Experimental Amateur-Built rules — to dream up, design, build, and fly the aircraft of my vision, without any limits on the complexity, power, size, or performance of the aircraft. I believe the proposed rule changes would inhibit this freedom. My experiences in building an aircraft include working hands on with composites which have taught my invaluable lessons. I believe the proposed rule changes would inhibit this freedom.

As mentioned above, I have had the opportunity to gain knowledge from the recreational and educational benefits in keeping with the spirit and intent of the amateur-building rules. I believe the proposed rule changes would inhibit this freedom. I believe the proposed rule changes would become difficult, complicated, and impractical in documenting or trying to prove to my local FSDO the process involved which consist of designating every construction task as either *fabrication* or *assembly*. I would like to encourage the FAA to preserve the amateur-built regulations and practices that have proven successful for more than 50 years, that have given a huge wealth of innovations and advancements to all of aviation, and that have fostered participation, learning, and enjoyment of personal aviation. Sincerely, Travis McQueen

Comments received from Paul Mills
pmills@aerorecipalaska.com, 12/12/2008 09:21 PM

I applaud the July 15 FAA Official Notice published in the *Federal Register* of revised policies for interpretation and enforcement of the amateur-built aircraft regulations. The preservation and the "grandfathering" of amateur built aircraft are tantamount to aviation in our country, and influential worldwide. Over the past almost

15 years I have been gainfully employed in General Aviation. I have witnessed first hand the evolution of the industry, and the conscientious efforts of all involved. I have, also, recognized a somewhat disturbing pattern: fewer cycles and the ability of people to pursue and experience the shear joy of flight. The current FAA proposal 51% rule appears to further complicate amateur-built certification. Members of our local EAA chapter are a remarkable group of individuals to associate with, and I value the freedom afforded them by the Experimental Amateur-built rules. Collectively, our EAA chapter feeds off of the expertise, experience, and knowledge of their membership as well as those of the Alaska General Aviation community. Simply put: they get it! They understand the gravity of their undertaking and do not need to be encumbered by the difficult, complicated, and impractical process of designing every construction task in the fabrication and assembly process. I encourage the FAA to preserve the amateur-built regulations that have served us so well for over the past 50 years! The proposed 51% will not enhance the amateur built aircraft, and current regulations provide educational and recreational benefits as intended! Sincerely, Paul M. Mills

Comments received from David J Fogarty
DJFogarty@aol.com, 12/12/2008 01:33 PM

I am a pilot, a practicing CFI and an EAA member actively involved in the process of home building my own aircraft form a commercially available kit and plans. Just like the exercise of my flying privileges, the homebuilding process is one of both education and recreation. I am deeply troubled and concerned by the movement afoot within the FAA to restrict my freedoms by changing the Experimental Amateur Built aircraft construction rules. I value the freedom afforded me by the existing rules. I am building a commercially available kit (Van's RV 7A), and I am using a combination of my own efforts, assistance from certificated A&P mechanics, fellow EAA members and assistance via organized training programs from both the Experimental Aircraft Association and other purveyors of specialized aviation training. I am following both the spirit and the letter of the existing rules during the construction phase that I am in now. The proposed process of identifying and designating each and every construction task as either fabrication or assembly is difficult, complicated, and very cumbersome. This is an example of a new rule we do not need and in my opinion this rule will not enhance the process. I want to encourage you personally and the FAA to preserve the amateur-built regulations and practices that have proven successful for more than 50 years, that have given a huge wealth of innovations and advancements to all of aviation, and that have fostered participation, learning, and enjoyment of personal aviation. Please do not fix what isn't broken. Best regards, David J Fogarty

Comments received from Fred Wimberly
fwimberly@comcast.net, December 15, 2008 10:17 AM

Randy – The government, as usual it seems, does not want to receive comments from citizens concerning aviation matters. I tried to send my comments to Mr. Vasconcelos using the revised FAX number (202-267-5580) you provided. The number rings, but does not answer. I then tried to e-mail my comments and received four messages saying the system was attempting to make delivery after 9.7, 32.8, 49.2 and 73.9 hours. The final message, copied below aborted the delivery attempt. I then called the DOT/FAA operator, obtained a telephone number for Mr. Vasconcelos and left a voice mail requesting he return my call with a valid FAX number or e-mail address. He never bothered to retu rn my call. My experiences with the government are based on flying and instructing in the Washington FRZ and ADIZ, and enduring hassles with crossing into Canada, Mexico and the Bahamas which are going to become worse. Looking ahead to the further restrictions at “air-carrier” airports and the large aircraft security proposals which will be rammed down our throats with trickle down, the outlook for aviation is grim. The total futility of trying to counter any of these with reason, responsible comments and common sense has been brought home with the announcement of making the ADIZ permanent. Unfortunately, these regulations as well as the 50% rule changes have little to do with safety and/or security and everything to do with perception and control. Fred Wimberly